

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 1630 COMMITTEE SUBSTITUTE

SHORT TITLE: Criminal Technical Amendments

SPONSOR(S): Senator Parnell

FISCAL IMPACT: Expenditures: Increase ( ) Decrease ( )
Revenues: Increase ( ) Decrease ( )
No Impact ( )
No Reliable Estimate Available (X)

FUNDS AFFECTED: General Fund (X) Highway Fund ( ) Local Fund ( )
Other Fund ( )

BILL SUMMARY: "TO MAKE TECHNICAL CORRECTIONS AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO VARIOUS CRIMINAL STATUTES, AND TO REPEAL VARIOUS CRIMINAL LAWS THAT ARE OBSOLETE OR REDUNDANT."

Amendments/Committee Substitutes - June 15, 1994

Senate committee substitute differs from House committee substitute for HB 1936, adopted 6/13, by amending GS 15A-1344(e) to provide that if a defendant is held in contempt for willfully violating a condition of probation and serves a sentence for it in a local confinement facility, the North Carolina Department of Correction shall pay for the confinement at the standard rate set by GS 148-32.1(a).

EFFECTIVE DATE: October 1, 1994

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Department of Correction

FISCAL IMPACT

Department of Correction

98-99 FY 94-95 FY 95-96 FY 96-97 FY 97-98 FY

EXPENDITURES

NON-RECURRING

No reliable estimate available

RECURRING

REVENUES/RECEIPTS

POSITIONS:

ASSUMPTIONS AND METHODOLOGY: Department of Correction

Senate Bill 1630 was proposed by the North Carolina Sentencing and Policy Advisory Commission to make technical and clarifying changes necessary for the implementation of structured sentencing. The only section which may require additional correctional resources beyond that already projected under structured sentencing is related to the

Department of Correction's responsibility to pay local confinement facilities for defendants held in contempt for violating a condition of probation. The Department of Correction (DOC) is unable to come up with a reliable fiscal impact because of the difficulty in anticipating how judges will enforce this section. Preliminary estimates provided by the Department range from an annual cost of \$72,500 to \$4,350,000, depending upon the number of defendants held in contempt each year and the average amount of time they are incarcerated in the local facilities. These estimates are outlined below:

500 defendants X 10 days average sentence X \$14.50/day = \$72,500/year

10,000 defendants X 30 days average sentence X \$14.50/day =  
\$4,350,000/year

\* The Department of Correction currently pays local jails \$14.50 per day for inmates held in their facilities.

Based on this information, no reliable fiscal impact can be estimated at this time.

**SOURCES OF DATA:** Department of Correction; North Carolina Sentencing and Policy Advisory Commission

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION**

733-4910

**PREPARED BY:** Charles E. Perusse  
Carolyn H. Wyland

**APPROVED BY:** Tom Covington **TomC**

**DATE:** June 21, 1994

**[FRD#003]**



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