

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 810
SHORT TITLE: 1997 Personal Protection Reform Act
SPONSOR(S): Senator Webster

FISCAL IMPACT					
	Yes ()	No ()	No Estimate Available (X)		
	(in millions)				
	<u>FY 1997-98</u>	<u>FY 1998-99</u>	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>
GENERAL FUND					
Correction					
Recurring					
Nonrecurring					
Judicial					
TOTAL EXPENDITURES	_____	_____	_____	_____	_____
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch					
EFFECTIVE DATE: December 1, 1997					

BILL SUMMARY: S 810. 1997 PERSONAL PROTECTION ACT. TO RESTORE THE RIGHT AND ABILITY OF LAWFUL CITIZENS OF NORTH CAROLINA TO PROTECT THEMSELVES. Repeals GS 14-269 (carrying concealed weapon) and replaces it with new GS 14-269A, which makes carrying a concealed deadly weapon *for an illegal purpose* a class I felony. Revises GS 14-269.2 to allow a person with a concealed handgun permit to have a handgun on school grounds and to decrease from a class 1 to class 3 misdemeanor the punishment for carrying a firearm of any kind on school grounds in specified circumstances. Revises GS 14-269.3 to replace ban on carrying firearm into an establishment charging a fee or serving alcohol with ban on possession of firearm in an establishment licensed to dispense alcohol while the person is in any portion of the establishment primarily devoted to dispensing and consuming alcohol. Repeals GS 14-277.2 prohibiting possession of a dangerous weapon at parades, funerals, picket lines, or demonstrations at a private health care facility or at a public place under the control of the state or its subdivisions. Deletes provision in GS 14-415.23 allowing local governments to prohibit a person with a permit from carrying a concealed handgun in local government buildings and parks.

ASSUMPTIONS AND METHODOLOGY: Department of Correction

The Sentencing Commission projects that this bill will add prison inmates, due to the addition of the Class I felony for carrying a weapon for illegal purposes. However, as shown below, these inmates could be absorbed within current capacity.

The following chart shows, for the end of each fiscal year, beds projected to be available, the number of inmates projected under the present Structured Sentencing Act, the deficit or surplus beds, the number of additional inmates projected to be incarcerated under this bill, and the additional beds needed as a result of this bill after considering projected prison capacity: (The following information is specific to each individual bill.)

	<u>June 30</u> <u>1998</u>	<u>June 30</u> <u>1999</u>	<u>June 30</u> <u>2000</u>	<u>June 30</u> <u>2001</u>	<u>June 30</u> <u>2002</u>
Projected No. of Inmates Under Current Structured Sentencing Act ¹	31,762	30,371	30,060	30,610	31,259
Projected No. of Prison Beds (DOC Expanded Capacity) ²	34,133	35,599	35,599	35,599	35,599
No. of Beds Over/Under No. of Inmates Under Current Structured Sentencing Act	+2,371	+5,228	+5,539	+4,989	+4,430
No. of Projected Additional Inmates Due to this Bill	0	274	280	285	291
No. of Additional Beds Need Each Fiscal Year Due to this Bill	0	0	0	0	0

As shown in bold in the table above, the Sentencing Commission estimates this specific legislation will add 291 inmates to the prison system by 2001-02. There is no additional fiscal impact resulting from the passage of this bill because these additional beds and their associated costs can be absorbed within the Department of Correction's existing budget. This analysis is based on the following assumptions and methodology:

¹ The Sentencing Commission's revised prison population projections (dated December 1996) were estimated under three scenarios: High, Best, and Low. The differences in these scenarios reflect varying assumptions on incarceration rates under Structured Sentencing, probation and revocation rates, and the decline of the stock population. The projections outlined above are included in the "Best scenario" since the Sentencing Commission and the Department of Correction believe this scenario is most likely to occur.

² Projected number of prison beds based on Department of Correction estimates of expanded bed capacity as of 1/11/97. These numbers do not include the number of beds requested in the Governor's 1997-99 Capital Improvement budget.

1. There will be an estimated surplus of 4,430 beds by FY 2001-02 , based on current prison population projections by the Sentencing Commission and the estimated expanded prison bed capacity (see table above);
2. The expanded prison capacity includes all beds available when currently funded prison construction is completed, as well operating funds for food, clothing, health, and security of prisoners as the units begin housing inmates;
3. The Department of Correction will continue operating most dormitory units at 130% of capacity, as allowed by court consent decrees; and,
4. The expanded prison capacity numbers do not include out-of-state beds, jail contract beds, or the 2,000 net new beds which would be established if the projects receiving planning and design funds in the 1996 Session were fully funded.

Note: The number of additional inmates projected to be incarcerated if the 17 Sentencing Commission recommendations are approved by the 1997 General Assembly is 2,044 inmates by FY 2001-02 and 2,944 inmates by FY 2006-07. If all of the Sentencing Commission recommendations are approved, the estimated surplus of prison beds will be 2,296 by the end of FY 2001-02. These recommendations, along with other criminal penalty bill enhancements, reduce the availability of prison beds in future years. The Fiscal Research Division is monitoring the cumulative effect of all criminal penalty bills on the prison system.

Judicial Branch

The Judicial Branch is unable to estimate the extent to which new cases, or additional charges in existing cases, might be filed from the section of this bill that makes it a Class I felony to carry a concealed weapon “for any illegal purpose”.

SOURCES OF DATA: Department of Correction, Judicial Branch; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Elisa Wolper

APPROVED BY: Tom L. Covington **TomC**

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