

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE (INCARCERATION NOTE G.S. 120-36.7)

BILL NUMBER: SB 920

SHORT TITLE: Update Controlled Substance Schedules/Trafficking in MDA/MDMA

SPONSOR(S): Senator Forrester

FISCAL IMPACT					
	Yes (x)	No ()	No Estimate Available (x)		
	(In millions)				
	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>
GENERAL FUND					
Correction					
Recurring			No estimate available but assume little fiscal impact		
Nonrecurring					
Judicial					
Recurring			No estimate available but minor fiscal impact likely		
Nonrecurring					
TOTAL EXPENDITURES	_____	_____	_____	_____	_____
POSITIONS:	None				
PRINCIPAL DEPARTMENT (S) & PROGRAM (S) AFFECTED:	Dept. of Correction; Judicial Branch				
EFFECTIVE DATE:	When it becomes law				

BILL SUMMARY: SB 920 – Controlled Substance Changes - now includes SB 1001—Trafficking in MDA/MDMA. (Section 4)

This bill makes technical corrections to the Schedule I Controlled Substance Act as well as establishing a new offense of trafficking in 3,4-methylenedioxyamphetamine or 3,4-methylenedioxymethamphetamine (MDMA), (Section 4 of bill). Trafficking penalties for these substances include:

1. Create Class G felony with minimum active sentence of 35 months and maximum of 42 and minimum fine of \$25,000 for prescribed quantities

2. Create Class F Felony with minimum active sentence of 70 months and a maximum active sentence of 219 months and a minimum fine of \$50,000 for prescribed quantities.
3. Create Class D Felony with minimum active sentence of 175 months and a maximum active sentence of 219 months and a minimum fine of \$250,000 for prescribed quantities.

ASSUMPTIONS AND METHODOLOGY:

Department of Correction

The conformance of the Controlled Substance Schedule to the federal schedule is primarily technical changes and will have little or no fiscal impact on DOC.

Section 4, trafficking in MDA/MDMA, adds a new offense. Since this is a new offense, there is no data available on the possible number of offenses and convictions. Therefore, FRD cannot make a reliable estimate of the fiscal impact. The Sentencing Commission indicates that if there were a 10% increase in new trafficking offenses, over 120 prison beds would be needed by Year 5; however, this information was provided as an example only. At this percentage rate, any new bed needs could be handled within current capacity.

Judicial Department

The Judicial Department indicates the trafficking portion of the bill could have minor fiscal impact, although limited data is available. There were 500 charges for Schedule I possession drug offenses that were not LSD or cocaine so a subset of these 500 were MDA/MDMA. This subset number is not identified in the AOC database. However, the SBI Crime Lab indicates they test about 120 samples of MDA/MDMA annually. However, AOC cannot accurately estimate how many of these cases relate to trafficking or whether the drug quantities meet limits prescribed in the bill. However, AOC assumes that some of these cases would involve trafficking and therefore could result in new trials and thus increased cost to the judicial system; they also note that trafficking trials in particular can be longer than the average felony trial.

While FRD cannot provide a reliable estimate of the number of trafficking cases, FRD concurs with the AOC that there will be some cost to the court system due to this bill.

SOURCES OF DATA: Judicial Branch; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None

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DATE: hursday, April 29, 1999



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