

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 751 (Second Edition)

SHORT TITLE: No Drugs at Child Care Centers (Formerly Preschool Ed. Sites in First Edition)

SPONSOR(S): Senator Thomas

FISCAL IMPACT

	Yes (X)	No ()	No Estimate Available (X)		
	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>

REVENUES

EXPENDITURES

Department of Correction--No estimate available but assume fiscal impact

Judicial Branch--No estimate available but assume fiscal impact

POSITIONS: 0

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch and Dept. of Correction

EFFECTIVE DATE: This act becomes effective December 1, 2001, and applies to offenses committed on or after that date.

BILL SUMMARY:

G.S. 90-95(e)(8) makes it a Class E felony for a person age 21 or older who commits an offense under G.S. 90-95(a)(1) on or within 300 feet of property used for an elementary or secondary school. The first edition of SB 751 added "preschool educational programs" to the types of school property to which this offense applies and defined a preschool educational program to include Smart Start programs, Head Start Programs and any other similar educational programs. *This second edition is more specific and directs*

that the offense must be committed at child care center as defined in G.S. 110-86(3)a and that is licensed by the Secretary of DHHS.

Note: G.S. 90-95(a)(1) which is referenced in SB 751, makes it unlawful for any person to manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver, a controlled substance.

ASSUMPTIONS AND METHODOLOGY:

There is no change in the fiscal impact analysis based on the change in definition from preschool sites to child care centers in the second edition.

Judicial Branch

In CY 2000, there were a total of 102 defendants charged with either possession or sale/deliver of a controlled substance within 300 ft. of a school, or approximately one defendant per every 21 sites. Adding child care centers would raise the number of sites by 3,935. (DHHS licensed child care centers). If the same rate of occurrence is applied to these sites, it could be estimated that there may be an additional 187 defendants charged with this crime.

This estimate, however, may be misleading because some child care centers exist on sites with elementary schools and some of the defendants charged with the offense near an elementary or secondary school would be the same ones charged under this amendment. In addition, there may be a higher proportion of these offenses occurring near secondary schools where potential buyers might be found. On the other hand, if the defendants charged in CY 2000 just happened to be conducting their business within 300 feet of school property, the addition of 3,935 potential sites could result in a large number of additional defendants being charged under the provisions of the bill. Thus, given these uncertainties, a reliable estimate of the fiscal impact on the court system is unavailable.

Department of Correction

As noted earlier, it is not known how many additional convictions would result by broadening the scope of the statute. However, it should be noted that with a Class E conviction the punishment applied might be an intermediate or active sentence. Any active sentence would create the need for an additional prison bed and would have a fiscal impact on the Department of Correction because there are no surplus prison beds available for the five year Fiscal Note horizon and beyond. **(The mean minimum sentence for Class E felonies as a whole is 30 months. Additionally, in FY 1999/2000, 46% of Class E felons received an active sentence.)**

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION 733-4910

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