

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 916 (1st Edition)

SHORT TITLE: Prevent Personal and Workplace Violence

SPONSOR(S): Senator Clodfelter

FISCAL IMPACT

Yes () No () No Estimate Available (x)

FY 2003-04 FY 2004-05 FY 2005-06 FY 2006-07 FY 2007-08

REVENUES

EXPENDITURES Exact estimate not available, but impact could be large on courts and county jails.

POSITIONS: (cumulative)

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Administrative Office of the Courts; local governments.

EFFECTIVE DATE: December 1, 2003

BILL SUMMARY: Enacts new GS Ch. 50C as title indicates. Allows victims of attempted injury, nonconsensual sexual conduct, stalking, or threats to file a petition for no-contact order without paying any filing fee. Specifies venue and procedure for civil actions seeking no-contact order, including provisions related to emergency orders. Provides special evidentiary rules. Limits defenses and grounds for denial of order. No-contact order requires respondent to stay away from petitioner. A temporary order may be for up to 21 days; a permanent order lasts for up to a year. Allows warrantless arrest for violation if officer has probable cause. Requires law enforcement agencies to maintain data regarding no-contact orders. Effective Dec. 1, 2003.

ASSUMPTIONS AND METHODOLOGY:

The Administrative Office of the Courts (AOC) estimates that this bill could have a significant impact on the number of civil cases. Based on charges for stalking (932), communicating threats (28,468), assaults (69,994), and non-consensual sex (1,554), this bill could produce a large volume of filings for protective orders. Because some victims who currently seek relief under 50B would choose to use the proposed 50C instead, there will be greater use of civil court resources. This bill provides for a contempt hearing in the event of

a violation, rather than a criminal penalty. In a contempt proceeding, a defendant is entitled to notice, counsel, and jury trial prior to being sentenced.

Because contempt sentences are housed in county jails, this bill has no impact on the state prison population. Under civil contempt, defendants may be held as long as the violation continues up to 90 days at one time. The impact on local jails cannot be determined because there is no information on how frequently victims would request orders under this act, nor how often violations would occur.

SOURCES OF DATA: Administrative Office of the Courts, Sentencing Commission.

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DATE: April 30, 2003



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