

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

Legislative Fiscal Note

BILL NUMBER: House Bill 1255 (First Edition)

SHORT TITLE: Sex Offenders/Permanent No Contact Order.

SPONSOR(S): Representatives Parmon, Underhill, Wiley, and Holloway

<b>FISCAL IMPACT</b>					
	<b>Yes (X)</b>	<b>No ( )</b>	<b>No Estimate Available (X)</b>		
	<b><u>FY 2009-10</u></b>	<b><u>FY 2010-11</u></b>	<b><u>FY 2011-12</u></b>	<b><u>FY 2012-13</u></b>	<b><u>FY 2013-14</u></b>
<b>GENERAL FUND EXPENDITURES:</b>					
<b>Judicial Branch – AOC</b>					
<b>Judicial Branch – IDS</b>					
<b>POSITIONS (cumulative):</b>	-	-	-	-	-
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b>	Judicial Branch				
<b>EFFECTIVE DATE:</b>	December 1, 2009				

**BILL SUMMARY:**

This bill would authorize the court, at the time of sentencing a defendant for an offense requiring sex offender registration, to issue an order permanently prohibiting the defendant from contacting the victim. The order may be enforced through civil or criminal contempt proceedings. Effective December 1, 2009, and applies to offenses committed on or after that date.

**ASSUMPTIONS AND METHODOLOGY:**

**Judicial Branch**

The Administrative Office of the Courts (AOC) provides Fiscal Research with a fiscal impact analysis for most criminal penalty bills. For such bills, fiscal impact is typically based on the assumption that court time will increase due to anticipated increases in trials and corresponding increases in workload for judges, clerks, and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

For sex offender cases, this bill would create additional actions for a judge at the time of sentencing. Upon request of the district attorney, the judge would hold a show cause hearing as part of sentencing to determine whether to issue a permanent no contact order.

In 2008, AOC data show 2,265 defendants convicted of offenses requiring registration as a sex offender. It is probable that the district attorney would request a permanent no contract order in the majority of these cases.

If, for example, the district attorney requests a permanent no-contract order in 95% of cases, and if a show cause hearing required 10 minutes of court time, the annual cost increase would be approximately \$115,000 for in-court personnel time, excluding indigent defense. If AOC assumes a 60% indigency rate (based on the most frequent sex offender crimes), indigent defense costs under the above scenario would be approximately \$16,000. If a show cause hearing were to require 5 minutes of court time, cost would be approximately \$57,000 for court personnel and \$8,000 for indigent defense (under the same 95% scenario).

The bill also provides for enforcement of the no contact order through civil or criminal contempt proceedings. For every violation of a no-contact order under this bill that leads to contempt proceedings, there would also be an impact on court resources. AOC cannot project the number of violations or the amount of impact on the court system.

**SOURCES OF DATA:**

**TECHNICAL CONSIDERATIONS:** None

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**DATE:** May 12, 2009



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