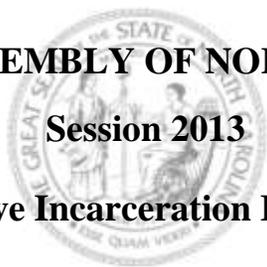


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2013

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: House Bill 786 (Second Edition)

SHORT TITLE: RECLAIM NC Act.

SPONSOR(S): Representatives Warren, Jordan, B. Brown, and Collins

FISCAL IMPACT					
(\$ in millions)					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Estimate Available					
State Impact	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
General Fund Revenues:	to	to	to	to	to
General Fund Expenditures:	1.4 to 1.7	2.5 to 3.0	2.5 to 3.0	2.5 to 3.0	2.5 to 3.0
State Positions:	to	to	to	to	to
NET STATE IMPACT	(\$1.4) to (\$1.7)	(\$2.5) to (\$3.0)	(\$2.5) to (\$3.0)	(\$2.5) to (\$3.0)	(\$2.5) to (\$3.0)

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:
 Administrative Office of the Courts, Indigent Defense Services, Department of Public Safety

EFFECTIVE DATE Section 2 is effective December 1, 2013 and applies to offenses committed on or after that date.

TECHNICAL CONSIDERATIONS:
 None

FISCAL IMPACT SUMMARY:

This bill will have a fiscal impact. The following costs are estimated:

- Administrative Office of the Courts: \$947,106 in the first year, \$1,894,211 annually thereafter
- Indigent Defense Services: \$97,705 - \$187,564 annually in district court
 \$133,222 - \$266,577 annually in superior court without a trial
 \$353,524 - \$707,181 annually in superior court with a trial
- Prison Section: \$61,485 in the first year, \$122,970 annually thereafter
- Community Corrections: \$271,423 annually

There will be additional costs due to the expanded scope of several offenses. These additional costs cannot be estimated.

Please see the Assumptions and Methodology section for additional information.

BILL SUMMARY:

Section 2(a) of the bill amends G.S. 14-100.1, Possession, manufacture, or sale of certain fraudulent forms of identification. First, it reclassifies the offense from a Class 1 misdemeanor to a Class I felony, except in the following instances:

- When the violation is based on the mere possession of a false or fraudulent form of identification, rather than the manufacture or sale of a false or fraudulent form of identification;
- When the violation is by a person under the age of 21 for the purpose of purchasing alcohol; or,
- When the violation is by a person under the age of 18 for the purpose of purchasing tobacco.

This section also adds a new offense to the existing statute to make it unlawful for any person to knowingly sell a false or fraudulent form of identification for the purpose of deception, fraud, or other criminal conduct.

Section 2(b) of the bill amends G.S. 20-30, Violations of license, learner's permit, restricted drivers permit, or special identification card provisions. This section increases the following offenses from a Class 2 misdemeanor to a Class I felony:

- To display or possess a driver's license, learner's permit, or special identification card, knowing that it is fictitious or revoked or altered (G.S. 20-30(a)(1));
- To counterfeit, sell, lend to, or knowingly permit the use of a driver's license, learner's permit, or special identification card (G.S. 20-30(a)(2));
- To display as one's own a driver's license, learner's permit, or special identification card not issued to the person (G.S. 20-30(a)(3));
- To fail or refuse to surrender any driver's license, learner's permit, or special identification card that has been suspended, canceled or revoked as provided by law (G.S. 20-30(a)(4));
- To use a false or fictitious name or give a false or fictitious address in any application for a driver's license, learner's permit, or special identification card (previously a Class 1 misdemeanor) (G.S. 20-30(a)(5));
- To copy or make a color reproduction of a driver's license, learner's permit, or special identification card (G.S. 20-30(a)(6));
- To possess more than one commercial driver's license or to possess a commercial driver's license and a regular driver's license (G.S. 20-30(a)(8)).

Section 2(b) changes a violation of these statutes by a person under the age of 21 to purchase alcohol from a Class 2 misdemeanor to a Class 1 misdemeanor. Violation of this section by a person under the age of 18 to purchase tobacco products remains a Class 2 misdemeanor. Section 2(b) also expands the scope of the offenses by adding "restricted drivers permit" to each subdivision.

Section 2(b) also amends G.S. 20-30(a)(7) to increase the offense of selling or offering for sale any reproduction of a driver's license, learner's permit, or special identification card from a Class I felony to a Class H felony. "Restricted drivers permit" is added to the subdivision.

Finally, Section 2(b) amends G.S. 20-30 by changing the offense in subdivision (a)(9) from a Class I felony to a Class 1 misdemeanor for violations by a person under 21 to purchase alcohol or to a Class 2 misdemeanor for violations by a person under 18 to purchase tobacco products. "Restricted drivers permit" is added to the subdivision.

ASSUMPTIONS AND METHODOLOGY:

General

The Sentencing and Policy Advisory Commission prepares prison population projections for each bill containing a criminal penalty. The Commission assumes for such bills that expanding existing or creating new criminal offenses produces no deterrent or incapacitative effect on crime. Therefore, the Fiscal Research Division does not assume deterrent effects for any criminal penalty bill.

S.L. 2011-192 (H.B. 642), the Justice Reinvestment Act (JRA), made changes to North Carolina's court system, corrections system (both to prisons and probation), and to post-release supervision (PRS). The Act also created a statewide confinement program for housing misdemeanants with sentences of less than 180 days in county jails. Previously, county jails were only required to house misdemeanants with sentences of 90 days or less. All F-I felons are now subject to nine months of PRS, and PRS for all B1-E felonies has been increased from nine months to twelve months. Due to the lack of historical data about JRA implementation, it is not possible to estimate the number of prison beds that may be needed as a result of revocations.

Judicial Branch

The Administrative Office of the Courts 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.

Section 2(a) increases the penalty for violation of G.S. 14-100.1, Possession, manufacture, or sale of certain fraudulent forms of identification, from a Class 1 misdemeanor to a Class I felony, except for violations related to the underage purchase of tobacco or alcohol or violations involving merely possession, rather than the manufacture or sale. For every person who would have been charged with a Class 1 misdemeanor who is instead charged with a Class I felony under this legislation, AOC estimates the average increase in costs to the courts would be \$200 (\$365 for a Class I felony minus \$165 for a Class 1 misdemeanor).

In FY 2011-12, 669 offenders were charged with the possession and manufacture of certain fraudulent forms of identification. Of those 390 were under the age of 21 at the time of the offense. Assuming all of those under the age of 21 would fall into the exceptions category, 279 would have been charged with the Class I felony under the proposed change. The cost to the courts would be an additional \$55,800 annually (\$200 times 279). To the extent that the number of charges that would remain Class 1 misdemeanors has been underestimated, this estimate may be overstated.

The Office of Indigent Defense Services (IDS) provides Fiscal Research with a fiscal impact analysis for criminal penalty bills that will result in greater expenditures for indigent defense. For each case disposed in district court, the additional cost for Class I felony cases would be \$55 (\$221 Class I felony cost minus \$166 misdemeanor cost). In superior court, the additional cost would be \$75 for non-trial cases (\$396 Class I felony cost minus \$321 misdemeanor cost) and \$199 for cases that go to trial (\$1,046 Class I felony cost minus \$847 misdemeanor cost).

In FY 2011-12, 51.1% of felony non-trafficking offenders used IDS for defense. Assuming the 279 offenders charged under G.S. 14-100.1 in FY 2011-12 had been prosecuted under this proposed legislation, the cost to Indigent Defense Services would have increased by the following amounts:

- \$7,865 in district court (143 offenders times \$55 non-trial costs);
- \$10,725 in superior court if no cases go to trial (143 offenders times \$75 non-trial costs); or,
- \$28,457 if they all go to trial (143 offenders times \$199 trial costs).

Section 2(a) also expands the scope of the offense to add “to knowing sell” (previously, it was just to knowingly possess or manufacture). This change may increase the number of people charged with a violation of this statute. For every additional person charged with a Class I felony, AOC estimates the average cost to the courts would be \$365. IDS’ cost for each additional person charged would be:

- \$221 in district court;
- \$396 in superior court without a trial; or,
- \$1,046 in superior court with a trial.

Section 2(b) elevates the general penalty for violations of G.S. 20-30 to a Class I felony, except violations related to underage purchase of tobacco or alcohol, which are punishable as Class 1 or Class 2 misdemeanors. In FY 2011-12, 7,478 offenders were charged under G.S. 20-30. Of those 792 were under the age of 21 at the time of the offense. Assuming all of those under the age of 21 would fall into the exceptions category, 6,686 would have been charged with a felony (7,478 total offenders minus 792 offenders under 21). The specific violations are listed in the table below with the increase in charge classification and the corresponding increase in cost to the courts.

Section 2.(b): Offense Code Classification Changes							
Description of Offense (subdivision)	Current Class	Proposed Class	Original Cost Per Case	Proposed Cost Per Case	Increase	FY 2011-12 Charges	Total Annual Cost
Display or cause to be displayed or have in possession a license/permit, knowing to be fictitious or to have been canceled, revoked, suspended, or altered ((a)(1))	Class 2 MD	Class I felony	\$88	\$365	\$277	6,421	\$1,778,617
Counterfeit, sell, lend to, or knowingly permit the unauthorized use of license/permit ((a)(2))	Class 2 MD	Class I felony	\$88	\$365	\$277	26	\$7,202
Display or represent as one’s own license/permit when not issued to the person so displaying license/permit ((a)(3))	Class 2 MD	Class I felony	\$88	\$365	\$277	84	\$23,268
Fail or refuse to surrender to DMV upon demand when suspended, canceled, or revoked ((a)(4))	Class 2 MD	Class I felony	\$88	\$365	\$277	6	\$1,662
Use or give false or fictitious name or address in application ((a)(5))	Class 1 MD	Class I felony	\$165	\$365	\$200	130	\$26,000
Make a color copy/reproduction of license/permit ((a)(6))	Class 2 MD	Class I felony	\$88	\$365	\$277	5	\$1,385

Description of Offense (subdivision)	Current Class	Proposed Class	Original Cost Per Case	Proposed Cost Per Case	Increase	FY 2011-12 Charges	Total Annual Cost
Sell or offer for sale any reproduction of license/permit ((a)(7))	Class I felony	Class H felony	\$365	\$501	\$136	0	\$0
Possess more than one commercial drivers' license or both a commercial and regular license/permit ((a)(8))	Class 2 MD	Class I felony	\$88	\$365	\$277	1	\$277
Present, display, or use license/permit w/ false name in commission or attempted commission of a felony ((a)(9))	Class I felony	Class I felony	\$365	\$365	\$0	13	\$0
						Total Cost: \$1,838,411	

It is estimated that there would be a total additional cost to AOC of \$1,894,211 annually due to the changes in this bill. Since the proposed legislation goes into effect December 1, 2013, the cost for FY 2013-14 will be \$947,106. To the extent that the number of charges that would qualify as an exception has been underestimated, this estimate may be overstated.

This section will also result in increased costs to IDS. For each case disposed in district court, the additional cost for Class I felony cases would be \$55 (\$221 Class I felony cost minus \$166 misdemeanor cost). In superior court, the additional cost would be \$75 for non-trial cases (\$396 Class I felony cost minus \$321 misdemeanor cost) and \$199 for cases that go to trial (\$1,046 Class I felony cost minus \$847 misdemeanor cost).

In FY 2011-12, 51.1% of felony non-trafficking offenders used IDS for defense. Assuming the 6,673 offenders charged under G.S. 14-100 in FY 2011-12 had been prosecuted under this proposed legislation, the cost to Indigent Defense Services would have increased by the following amounts:

- \$187,545 in district court (3,410 offenders times \$55 non-trial costs)
- \$255,750 in superior court if no cases go to trial (3,410 offenders times \$75 non-trial costs)
- \$678,590 if they all go to trial (3,410 offenders times \$199 trial costs)

Subdivision (a)(7) of the proposed revised statute changes the criminal penalty from a Class I felony to a Class H felony. One person was charged with a violation of this subdivision in FY 2011-12. The difference in cost to IDS between these two felony classes is \$14 in district court (\$235 for a Class H felony minus \$221 for a Class I felony); \$50 in superior court without a trial (\$446 for a Class H felony minus \$396 for a Class I felony); and \$134 in superior court with a trial (\$1,180 for a Class H felony minus \$1,046 for a Class I felony).

Overall, the changes made by Section 2(b) would result in additional costs to IDS as follows:

- \$187,564 if all cases are heard in district court;
- \$266,577 if all cases are heard in superior court, but do not go to trial; or,
- \$707,181 if all cases are heard in superior court and do go to trial.

The Fiscal Research Division does not have data to estimate the percentage of cases that would be heard in district court, in superior court without a trial, or in superior court with a trial. Section 2(b) also expands the scope of the offenses in G.S. 20-30 by adding “restricted drivers permit” throughout the section. Additional offenses may occur as a result of this expansion. For every additional person charged under the expanded scope, the cost to AOC would be as follows:

- Class 2 misdemeanor: \$88;
- Class 1 misdemeanor: \$165;
- Class I felony: \$365; and,
- Class H felony: \$501.

The cost to IDS would be:

- Misdemeanor: \$166 in district court; \$321 in superior court without a trial or \$847 with a trial;
- Class I felony: \$221 in district court; \$396 in superior court without a trial or \$1,046 with a trial; and,
- Class H felony: \$235 in district court; \$446 in superior court without a trial or \$1,180 with a trial.

Department of Public Safety –Prison Section

This bill increases the penalties for several offenses, except for violations related to the underage purchase of tobacco and alcohol. According to the Sentencing and Policy Advisory Commission, during FY 2011-12 there were 198 Class 2 misdemeanor convictions and 51 Class 1 misdemeanor convictions for violations of the statutes affected by this bill. Of those, 187 offenders would be sentenced to Class I felonies. If all 187 convictions had received active sentences, there would be a need for 30 additional prison beds in the first year and 30 additional prison beds in the second year. Those under the age of 21 who were convicted of a Class 1 misdemeanor would have no effect on the prison population since all misdemeanants are sentenced to local jails. The legislation also expands the scope of several offenses, which could result in additional convictions. The Sentencing Commission is unable to estimate the additional number of inmates due to the expanded scope of the offenses.

The chart below depicts the projected inmate population relative to available prison bed capacity system-wide. Capacity projections assume operation at Expanded Operating Capacity,¹ and represent the total number of beds in operation, or authorized for construction or operation as of December 2012.

Based on the most recent population projections and estimated bed capacity, there are surplus prison beds available for the five-year fiscal note horizon and beyond. Therefore, no additional beds will be required unless the projected number of additional inmates resulting from a bill (row four) exceeds the projected number of beds under the inmate population (row three). Rows four and five in the chart demonstrate the impact of the bill. As shown, the Sentencing Commission estimates that this specific legislation will add 30 inmates to the prison system by the end of FY 2014-15.

¹ Expanded Operating Capacity (EOC) is: 1) the number of single cells housing one inmate, 2) the number of single cells housing two inmates, and 3) the number of beds in dormitories, allowing between 35 (130% of Standard Operating Capacity) and 50 (SOC) square feet per inmate.

Population Projections and Bed Capacity Five Year Impact					
	June 30 2013	June 30 2014	June 30 2015	June 30 2016	June 30 2017
1. Inmates ²	36,838	36,967	37,107	36,861	36,748
2. Prison Beds (Expanded Capacity)	40,718	40,970	40,970	40,970	40,970
3. Beds Over/(Under) Inmate Population	(3,880)	(4,003)	(3,863)	(4,109)	(4,222)
4. Additional Inmates Due to this Bill³	0	30	30	30+	30+
5. Additional Beds Required					

The cost to add one additional inmate to the prison system is \$11.23 per day (\$4,099 per year), which includes the cost of food, clothing, and health care. Based on FY 2011-12 data and changes under the Justice Reinvestment Act (JRA), it is estimated that there will be an additional 30 inmates each year due to the changes in made in this bill. The annual cost for all additional Class I felony active sentences due to changes in this bill would be \$122,970 (\$4,099 times 30 offenders). Since the proposed legislation goes into effect December 1, 2013, there will be an increased fiscal impact to the prison section for only half of FY 2013-14, a cost of \$61,485.

Department of Public Safety – Community Correction Section

All active sentences for felony offenses now result in a minimum of twelve months of post-release supervision (PRS) for B1-E level offenses and a minimum of nine months of PRS for F-I level offenses. For felony offense classes E through I, offenders may be given non-active (intermediate or community) sentences exclusively, or in conjunction with imprisonment (split-sentence). Sanctions include electronic house arrest, community service, substance abuse treatment, participation in educational or vocational skills development, payment of court costs, fines, and restitution, and short-term jail sentences not exceeding six days per month.

Offenders given intermediate or community sanctions requiring supervision are supervised by the Community Corrections Section (CCS); CCS also oversees community service.⁴ General supervision of intermediate and community offenders by a probation officer costs \$3.63 per offender, per day; no cost is assumed for those receiving unsupervised probation, or who are only ordered to pay fines, fees, or restitution. Total costs are based on average supervision length and the percentage of offenders (per offense class) sentenced to intermediate sanctions and supervised probations.

Section 2(a) amends G.S. 14-100.1, Possession, manufacture, or sale of certain fraudulent forms of identification. It reclassifies the offense from a Class 1 misdemeanor to a Class I felony but adds three exceptions that would remain Class 1 misdemeanors. In FY 2011-12, 130 offenders were convicted under

² The Sentencing and Policy Advisory Commission prepares inmate population projections annually. These projections are derived from: historical information on incarceration and release rates under Structured Sentencing; crime rate forecasts by a technical advisory group; probation and offender revocation rates; and the decline (parole and max-outs) of the stock prison population sentenced under prior sentencing acts. Projections were updated in February 2013.

³ Criminal penalty bills effective December 1, 2013 should not affect prison population and bed needs until FY 2014-15 due to the lag time between offense charge and sentencing - six months on average. No delayed effect is presumed for the Court System.

⁴ CCS incurs costs of \$1.29 per day for each offender sentenced to the Community Service Work Program.

G.S. 14-100.1. Of those, 24 were under the age of 21 at the time of the offense. Assuming all of those under the age of 21 would fall into the exceptions category, 106 of those would have been charged with a felony.

In FY 2011-12, 18% of Class I felony offenders received active sentences; 33% received intermediate sentences; and 49% received community punishments. All active felony sentences result in nine months of post-release supervision (PRS). Active misdemeanor sentences require no post-release supervision. The cost of nine months of PRS for a Class I felony is \$980 per offender (\$3.63 per day times 270 days).⁵ The annual cost to community corrections for those given active sentences is \$18,620 (19 offenders times \$980).

The average length of intermediate and community punishment imposed for a Class I felony was 26 and 22 months, respectively. The average length of intermediate and community punishment imposed for a Class 1 misdemeanor was 18 and 15 months, respectively. The cost to community corrections for increased penalties included in this section of the bill would be:

- For an intermediate sentence: \$30,485 (\$2,831 for a Class I felony minus \$1,960 for a Class 1 misdemeanor equals \$871 per charge times 35 offenders).
- For a supervised community sentence: \$39,624 (\$2,396 for a Class I felony minus \$1,634 for a Class 1 misdemeanor equals \$762 per charge times 52 offenders).

This section also creates a new offense by including the sale of certain forms of identification. Violation is a Class I felony. It is not known how many offenders might be convicted and sentenced for the new offense. In FY 2011-12, 18% of Class I felony offenders received active sentences; 33% received intermediate sentences; and 49% received community punishments. All active sentences result in nine months of post-release supervision (PRS). The cost of nine months of PRS is \$980 per offender (\$3.63 per day times 270 days). The average length of intermediate and community punishment imposed for this offense class was 26 and 22 months, respectively. The average cost to community corrections for any individual convicted of a Class I felony who receives an intermediate sentence is \$2,831 (780 days times \$3.63 per day). The average cost to community corrections for any individual convicted of a Class I felony who receives a supervised community sentence is \$2,396 (660 days times \$3.63 per day).

Section 2(b) amends G.S. 20-30, Violations of license, learner's permit, restricted drivers permit, or special identification card provisions. Under G.S. 20-34, a violation is a Class 2 misdemeanor unless a subdivision sets a different punishment for the violation. Subdivisions (a)(1), (a)(2), (a)(3), (a)(4), (a)(6), and (a)(8) are all currently Class 2 misdemeanors. This bill would reclassify the penalties to Class I felonies, except for certain violations which would be classified as Class 1 and Class 2 misdemeanors. The Sentencing Commission does not maintain statistical information on Class 2 or 3 misdemeanor traffic offenses. In FY 2011-12, 211 offenders were convicted under these subdivisions of G.S. 20-30. Of those, 21 were under the age of 21 at the time of the offense. Assuming all of those under the age of 21 would fall into the exceptions category (and receive the Class 1 misdemeanor), 139 of those would have been convicted of a felony.

In FY 2011-12, 18% of Class I felony offenders received active sentences; 33% received intermediate sentences; and 49% received community punishments. All active felony sentences result in nine months of post-release supervision (PRS). Active misdemeanor sentences require no post-release supervision. The cost of nine months of PRS for a Class I felony is \$980 per offender (\$3.63 per day times 270 days). The annual cost to community corrections for those give active sentences would be \$24,500 (25 offenders times \$980).

⁵ Due to the effective date of December 1, 2013 and the typical lag time between charge and conviction (6 months), little impact is assumed for CCS in FY 2012-13. Though some offenders may come under CCS supervision during this time, this note assumes an even entry over the course of FY 2013-14.

The average length of intermediate and community punishment imposed for a Class I felony was 26 and 22 months, respectively. The average length of intermediate and community punishment imposed for a Class 2 misdemeanor was 16 and 13 months, respectively. The cost to community corrections for increased penalties included in this section of the bill would be:

- For an intermediate sentence: \$50,094 (\$2,831 for a Class I felony minus \$1,742 for a Class 2 misdemeanor equals \$1,089 per charge times 46 offenders).
- For a supervised community sentence: \$66,640 (\$2,396 for a Class I felony minus \$1,416 for a Class 2 misdemeanor equals \$980 per charge times 68 offenders).

In FY 2011-12, 26% of offenders convicted of a Class 1 misdemeanor were sentenced to active sentences for an average length of 39 days; 2% received intermediate sentences; and 72% received community punishments. Only felony offenses result in Post Release Supervision (PRS), therefore there is no additional cost for a misdemeanant sentenced to an active sentence. The average length of intermediate and community punishment imposed for this offense class was 18 and 15 months, respectively. The average length of intermediate and community punishment imposed for a Class 2 misdemeanor was 16 and 13 months, respectively.

The average cost to community corrections for any individual convicted of a Class 1 misdemeanor who receives an intermediate sentence is \$218 (\$1,960 for a Class 1 misdemeanor minus \$1,742 for a Class 2 misdemeanor). Since only 2% of offenders are sentenced to intermediate sentences, it is unlikely that there would be any additional costs. Of those convicted to a community sentence, around 40% received supervised sentences. The average cost to community corrections for any individual convicted of a Class 1 misdemeanor who receives community supervision is \$218 (\$1,634 for a Class 1 misdemeanor minus \$1,416 for a Class 2 misdemeanor). The annual cost to community corrections for those offenders given supervised community sentences is \$1,318 (6 offenders times \$218).

Subdivision (a)(5) is currently a Class 1 misdemeanor. This bill would reclassify the penalty to a Class I felony, except for certain violations which would be classified as Class 1 and Class 2 misdemeanors. The Sentencing Commission does not maintain statistical information on Class 2 or 3 misdemeanor traffic offenses. In FY 2011-12, 51 offenders were convicted under G.S. 20-30(a)(5). Of those, 3 were under the age of 21 at the time of the offense. Assuming all of those under the age of 21 would fall into the exceptions category (and receive the Class 1 misdemeanor), 48 of those would have been charged with a felony. In FY 2011-12, 18% of Class I felony offenders received active sentences; 33% received intermediate sentences; and 49% received community punishments. All active felony sentences result in nine months of post-release supervision (PRS). Active misdemeanor sentences require no post-release supervision. The cost of nine months of PRS for a Class I felony is \$980 per offender (\$3.63 per day times 270 days). The annual cost to community corrections for those give active sentences is \$8,467 (9 offenders times \$980).

The average length of intermediate and community punishment imposed for a Class I felony was 26 and 22 months, respectively. The average lengths of intermediate and community punishment imposed for a Class 1 misdemeanor were 18 and 15 months, respectively. The cost to community corrections for increased penalties included in this section of the bill would be:

- For an intermediate sentence: \$13,065 (\$2,831 for a Class I felony minus \$1,960 for a Class 1 misdemeanor equals \$871 per charge times 15 offenders).
- For a supervised community sentence: \$18,288 (\$2,396 for a Class I felony minus \$1,634 for a Class 1 misdemeanor equals \$762 per charge times 24 offenders).

In addition, these subdivisions expand the scope of the offenses by adding “restricted driving permit.” It is not known how many additional Class 1, Class 2 misdemeanors or Class I felonies would result from the proposed broadening of the offenses.

Subdivision (a)(7) reclassifies the sale or offer of sale of any reproduction license or permit from a Class I felony to a Class H felony. In FY 2011-12 there were no convictions under this subdivision. In FY 2011-12, 35% of Class H felony offenders received active sentences; 42% received intermediate sentences; and 23% received community punishments. Since both Class H and Class I felonies require nine months of post-release supervision, there will be no additional cost to community corrections for individuals receiving active sentences. The average length of intermediate and community punishment imposed for a Class H felony was 29 and 26 months, respectively. The average length of intermediate and community punishment imposed for a Class I felony was 26 and 22 months, respectively. The increased cost to community corrections for any individual convicted of a Class H felony who receives an intermediate sentence is \$327 (\$3,158 for a Class H felony minus \$2,831 for a Class I felony). The increased cost to community corrections for any individual convicted of a Class H felony who receives a supervised community sentence is \$435 (\$2,831 for a Class H felony minus \$2,396 for a Class I felony).

Subdivisions (a)(7) and (a)(9) also expand the scope of the offenses by adding “restricted drivers permit.” It is not known how many additional Class I or Class H felonies would result from the proposed broadening of the offenses.

SOURCES OF DATA: Department of Public Safety; Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission; Office of Indigent Defense Services.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Kristine Leggett

APPROVED BY: Mark Trogdon, Director
Fiscal Research Division

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Signed Copy Located in the NCGA Principal Clerk's Offices