

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 728 (Identical to HB 697)

SHORT TITLE: Seat Belt Wear Admissible

SPONSOR(S): Representative Jarrell

FISCAL IMPACT: **Expenditures:** Increase () Decrease ()
 Revenues: Increase () Decrease ()
 No Impact (X)
 No Estimate Available ()

FUND AFFECTED: General Fund () Highway Fund () Local Fund ()
 Other Fund ()

BILL SUMMARY: Amends G.S. 20-135.2A(d) to make the failure to wear a seat belt admissible in criminal trials.

EFFECTIVE DATE: December 1, 1993; applicable to violations cited and offenses occurring on or after that date.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department;
Department of Correction

FISCAL IMPACT

	<u>FY</u> 93-94	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98
EXPENDITURES	0	0	0	0	0
RECURRING					
NON-RECURRING					
REVENUES/RECEIPTS	0	0	0	0	0
RECURRING					
NON-RECURRING					

POSITIONS: No new positions

ASSUMPTIONS AND METHODOLOGY: Present law bars the introduction of evidence of a seat belt violation for any purpose other than to prove a violation of the mandatory seat belt law itself. This bill would allow the introduction of evidence pertaining to a seat belt violation in criminal cases. Thus, in some criminal cases where the restrictions in current law might prevent the prosecution from introducing evidence that would help prove a violation of some other criminal offense, this bill would remove that obstacle and possibly make a case less complex for the prosecution. For example, this bill would eliminate the claim that a police officer stopped a defendant on a "pretext" and allow the prosecution to proceed against any accompanying violations.

The Administrative Office Of the Courts (AOC) predicts that no new cases would be filed as a result of this bill. However, the AOC notes that "theoretically, there could be cases that would be dismissed if use of the seat belt evidence were not available." Hence, there is the possibility that some of these cases could proceed to trial. Since no data is available to determine the number of cases that are currently dismissed for the above reasons, no precise estimate of fiscal impact is available. However, the AOC predicts that this bill would affect only a very few, insignificant number of cases. Based on this assumption, no fiscal impact is predicted for the Judicial Department or the Department of Correction.

SOURCES OF DATA: Administrative Office of the Courts

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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DATE: 22-APR-93

[FRD#003]



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