



\* FY 1995-96 costs are based on an effective date of January 1, 1996.

**ASSUMPTIONS AND METHODOLOGY: COUNTY JAILS**

Currently, the Department of Correction reimburses counties \$14.50 per day per offender (as mandated under G.S. 148-32.1a) for inmates sentenced to 30 or more days in county jails. The Sentencing and Policy Advisory Commission estimates that an additional 120 inmates in FY 1995-96, 124 in FY 1996-97, 127 in FY 1997-98, 131 in FY 1998-99, and 135 in FY 1999-2000, would be housed in local confinement facilities due this legislation. The expenditures outlined in the fiscal impact table on page 1 result from reimbursing the counties for incarcerating these additional state prisoners.

There are enough beds in local confinement facilities statewide to handle these additional offenders until FY 1999-2000. At that point, some construction costs may be incurred. However, it is difficult to estimate additional construction costs as each county would be short approximately 1.35 beds if the inmates are spread statewide.

**State Reimbursement to Local Confinement Facilities:** As mentioned above, the State is responsible for reimbursing counties \$14.50 per day for prisoners sentenced to 30 days or more in local confinement facilities. It is assumed in this note, based on information provided by the North Carolina Sentencing and Policy Advisory Commission, that individuals sentenced to serve active jail sentences under this legislation would be sentenced to 30 days or more.

The State would also be responsible for any extraordinary medical expenses incurred for the inmates. The Fiscal Research Division is not able to estimate the medical expenses that might have to be incurred by the State as a result of the proposed legislation.

**Cost to Counties:** The average statewide cost per inmate housed in a North Carolina local confinement facility is \$35.00 per day. The State pays \$14.50 of this amount for inmates sentenced to 30 days or more. The remaining cost, \$20.50 per day per inmate, is paid by the county.

**ASSUMPTIONS AND METHODOLOGY: JUDICIAL BRANCH**

The Administrative Office of the Courts does not expect this bill to add additional defendants to the court system.

**Levels I and II:** The proposed bill is not expected to change defense strategies in cases where defendants receive Level One or Level Two punishment (see Attachment 1). Under G.S. 20-179(c), Level One and Level Two convictions must be based on a finding of certain grossly aggravating factors that justify more severe penalties, including mandatory jail time. Since such defendants are already subject to relatively stiff penalties, the AOC does not predict that the additional penalties of the current bill would substantially influence the litigation strategies of these defendants and result in increased court time and costs.

**Levels III - V:** The proposed legislation provides that the sentencing judge may order defendants punished at Levels III - V to perform 24 hours of community service in lieu of each mandated day in jail (see Attachment 1). Defense strategies would therefore not be expected to change from those currently used.

**ASSUMPTIONS AND METHODOLOGY:** DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY (VICTIM AND JUSTICE SERVICES)

Individuals convicted of Level III - V offenses would have to complete additional community service hours. Individuals convicted of Level I and II offenses may be required to complete community service hours in addition to his/her active sentence.

The proposed legislation does not add new cases; it extends community service time for those currently serving community service hours. Thus, the average caseload per staff member, and costs are not expected to increase. However, the daily average number of cases will increase as individuals will be sentenced to longer terms of community service. The department believes it can handle these additional days of community service within existing resources.

**ASSUMPTIONS AND METHODOLOGY:** DEPARTMENT OF CORRECTION

The North Carolina Sentencing and Policy Advisory Commission projects a small increase in the prison population as a result of the proposed legislation (16 by 1999-2000). The anticipated small increase could be handled within current Department of Correction resources.

**SOURCES OF DATA:** Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission; Department of Crime Control and Public Safety

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION**

733-4910

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**DATE:** March 22, 1995

**[FRD#003]**



**Signed Copy Located in the NCGA Principal Clerk's Offices**

## **ATTACHMENT 1**

### **SENTENCING FOR LEVELS I - V**

Level I: Mandatory sentence is a minimum of 14 days up to a maximum of 24 months, fines, loss of license, treatment, supervised probation, other sanctions as judge deems appropriate. Minimum 14 days in jail can be converted to 2 days in jail and 24 days electronic house arrest. Judges sometimes give community service as an additional punishment. Level I offenders make up 12.2% (6407) of DWI convictions.

Level II: Mandatory sentence is a minimum of 7 days up to a maximum of 12 months, fines, loss of license, treatment, supervised probation, other sanctions as judge deems appropriate. Minimum 7 days in jail can be converted to 2 days in jail and 10 days electronic house arrest. Judges sometime give community service as an additional punishment. Level II offenders make up 18.3% (9610) of DWI convictions.

Level III: Minimum term of 72 hours or 72 hours of community service or combination of fines, loss of license but is eligible for a limited permit. Level III offenders make up 8.8% (4621) of DWI convictions.

Level IV: Minimum term of 48 hours or 48 hours of community service or combination of fines, loss of license but is eligible for a limited permit. Level IV offenders make up 11.6% (6094) of DWI convictions.

Level V: Minimum term of 24 hours or 24 hours of community service or combination of fines, loss of license but is eligible for a limited permit. Level V offenders make up 49% of DWI convictions.

Most judges, under levels III, IV and V, give 24, 48 or 72 hours of community service in lieu of jail time. Under all levels, especially I and II, judges can require inpatient treatment in lieu of jail.