NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 387

SHORT TITLE: Common Law Robbery/AB

SPONSOR(S): Representative Sharpe

FISCAL IMPACT: Expenditures: Increase () Decrease ()

)

Revenues: Increase () Decrease

)

No Impact (X)

BILL SUMMARY: "TO INCREASE THE PUNISHMENT FOR THE OFFENSE OF COMMON-LAW ROBBERY." Increases punishment for common-law robbery from Class G to F.

EFFECTIVE DATE: December 1, 1995, and applies to offenses committed on or after that date.

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

FISCAL IMPACT

<u>FY</u> 95-96 <u>FY</u> 96-97 <u>FY</u> 97-98 <u>FY</u> 98-99

FY99-00

EXPENDITURES
NON-RECURRING

RECURRING NO FISCAL IMPACT

ASSUMPTIONS AND METHODOLOGY: Judicial Branch

This bill increases common law robbery from a Class G felony to a Class F felony. A defendant with a prior record level IV would have been in an Intermediate/Active cell under Fair Sentencing in Class G, but would go to an an Active cell in Class F under Structured Sentencing. Extrapolating from Sentencing Commission figures, the AOC estimates that nine defendants in 1995-96 and fifteen defendants in 1996-97 would receive active time who had not before. Of these defendants, if twice as many (9.6%) asked for trials as did under Fair Sentencing (4.8%), the AOC anticipates only one extra trial in 1995-96 and one extra trial in 1996-97. Subsequently, no fiscal impact would be anticipated as a result of the proposed legislation.

ASSUMPTIONS AND METHODOLOGY: Department of Correction

With present beds, beds that have been funded but not completed, and beds retained by renovating the existing Polk Youth Center, enough beds are projected to be available at 130% capacity of 50 square feet per inmate until June 30, 2000, for inmates incarcerated under the Structured Sentencing Act which became effective October 1, 1994.

The following chart shows, for the end of each fiscal year, the above-noted projected beds to be available, the number of inmates projected under Structured Sentencing effective October 1, 1994, the surplus beds, the number of additional inmates projected to be incarcerated under this proposed bill, and the additional beds needed as a result of this bill:

	June 30 1996	June 30 1997	June 30 1998	June 30 1999	June 30 2000
No. of Inmates Under Structured Sentencing Effective 10/1/94		25,936			27,694
Projected Beds Available at 130% Capacity of					
50 Sq. Ft./Inmate*	29,854	31,870	31,870	31,870	31,870
No. of Beds Over/Under No. of Inmates Due to Structured Sentencing		+4,032	+5,934	+5,727	+5,132+4,176
No. of Projected Additional Inmates Due to this Bill	246	399	449	491	508
No. of Additional Bed Needed Due to this Bill	s 0	0	0	0	0

^{*} The projected prison bed capacity also includes 656 beds likely to be funded by the 1995 General Assembly that will be added due to double-bunking in selected single cells, and 827 beds gained through the most recent modification of Small v. Martin.

It is not anticipated that the proposed legislation would have a significant fiscal impact on the Department of Correction. Based on the North Carolina Sentencing and Policy Advisory Commission projections of prison population, including the impact of the proposed legislation, and the Department of Correction estimated prison bed capacity, the Fiscal Research Division believes that the proposed legislation would not have any fiscal impact on the Department of Correction at this time.

Other Assumptions:

This fiscal note does not account for the Repeal Prison Cap legislation and its related potential use of many of the currently available prison beds. The effect of repealing the cap is not considered since no decision has been made by the General Assembly as to the effective date of the legislation. It is necessary to have an effective date prior to incorporating the related bed utilization into the fiscal analysis of Session 1995 proposed legislation.

These projections do not include the 2,424 beds which are being requested in the Governor's 1995-97 Capital Improvement budget at a cost of \$86,000,000 in 1995-96 and \$14,000,000 in 1996-97. The estimated annualized costs for these beds is \$50,000,000.

SOURCES OF DATA: Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION (733-4910)

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