

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 667 (=HB902)
SHORT TITLE: Amend Stalking Laws
SPONSOR(S): Sen Reeves, Rep Morris

FISCAL IMPACT					
Yes ()	No ()	No Estimate Available (X)			
(in millions)					
	<u>FY 1997-98</u>	<u>FY 1998-99</u>	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>
GENERAL FUND					
Correction					
Recurring					
Nonrecurring		<u>No Fiscal Impact</u>			
Judicial					
Recurring		<u>Potential Impact, No Estimate Available</u>			
Nonrecurring					
TOTAL EXPENDITURES	_____	_____	_____	_____	_____
 PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch					
EFFECTIVE DATE: Effective Dec. 1, 1997. Applies to offenses committed on or after that date.					

BILL SUMMARY: *s 667. AMEND STALKING LAW. TO AMEND THE CRIMINAL OFFENSE OF STALKING.* Amends GS 14-277.3 to redefine criminal offense of stalking as willfully and on more than one occasion following or being in presence of another person without legal purpose and with intent to cause emotional distress by placing that person in reasonable fear of death or bodily injury. Deletes current provisions that also require for conviction under statute (1) that the “following” occur after reasonable warning to desist by other person, and (2) that the acts constitute a pattern of conduct over time showing continuity of purpose. Makes offense a class 1 (now, class 2) misdemeanor, or if court order is in effect prohibiting similar behavior, a class A1 (now, class 1) misdemeanor.

Department of Correction

The section of the bill which changes the offense of stalking from a class 2 to a class 1 misdemeanor is not expected to have any significant impact on the state prison sentence, since it addresses a misdemeanor penalty. However, this penalty change may have some impact on jail populations, as described below. If the misdemeanors receives the maximum active sentence of 45 days, there may be a small impact (\$5,220) on the Department of Correction as they reimburse counties for offenders with sentences over 30 days. (Details Below). However, since it is not known if any sentences will actually be this length and because the number of projected offenders is small, this dollar figure is not included as a fiscal impact.

The section of the bill makes the offense a class A1 misdemeanor if a court order is in effect prohibiting similar behavior. Data for Fiscal Year 1995-6 indicate that 20 offenders were convicted of this offense and would be eligible to receive an active sentence under the proposed bill. However, since Class A1 is a newly created offense class, there is little historical data available to estimate the proportion of offenders convicted under this proposed bill that would receive an active jail or prison sentence. Because of the few number of offenders, however, it can be assumed that this bill would not require the addition of any prison beds in the foreseeable future.

Judicial Branch

These amendments to the statute covering the stalking offense will likely increase the number of persons who could be prosecuted and make offenses easier for the prosecution to prove. In addition, the bill enhances the penalty classifications for misdemeanor violations, from Class 2 to Class 1 for general violations, and from Class 1 to Class A1 for offenses committed when there is a court order in effect prohibiting similar behavior. In Calendar Year 1996, there were 670 defendants charged and 134 convicted of misdemeanor stalking. The impact of this bill could be substantial but we are unable to estimate the extent to which additional cases might result for conduct not prohibited under the existing statute or the effect this bill may have on prosecutions in existing cases.

County Jails

Data for Fiscal Year 1995-6 indicate that 78 offenders were convicted of stalking as defined in this bill. Six of these offenders were eligible for an active sentence and 4 of these received an active jail sentence. Under the proposed bill, 43 additional offenders—falling in Prior Conviction Level II—would be eligible to receive an active jail sentence up to 45 days. Using the overall active rate for offenders convicted of a Class 1 misdemeanor with Prior Conviction Level II, it is estimated that approximately 8 of these 43 offenders would receive an active jail sentence under the proposed bill. A recent survey of 69 of the state's 115 county jails found an average inmate cost of \$40 per day with a range from \$6 to \$236. If 8 offenders received 30 day sentences it would cost \$9,600 statewide. Because the sentence length can not be projected, a more exact figure can not be calculated.

If these 8 offenders received sentences over 30 days, the Department of Correction would reimburse the counties \$14.50 per day for their stay . **The maximum state cost under this scenario would be \$5,220.**

SOURCES OF DATA: Department of Correction, Judicial Branch; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None
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DATE: April 24, 1997



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