

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 45 < Edition 1 >

SHORT TITLE: Unlawful to Impede a School Bus

SPONSOR(S): Senator Wellons

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

FY 2001-02 FY 2002-03 FY 2003-04 FY 2004-05 FY 2005-06

REVENUES

EXPENDITURES

No fiscal impact

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch and the Department of Corrections

EFFECTIVE DATE: Effective December 1, 2001, and applies to offenses committed on or after that date.

BILL SUMMARY:

- (1) Amends GS 14-132.2(b) to make the following activity a Class 1 misdemeanor: entering a public school bus or public school activity bus after being forbidden to do by an authorized school bus driver or a school principal to whom the public school bus or public school activity bus is assigned;
- (2) Increases the punishment level in G.S. 14-132.2(c) from a Class 2 misdemeanor to Class 1 misdemeanor for any occupant of a public school bus or public school activity bus who shall refuse to leave upon demand of an authorized school bus driver or principal;
- (3) Adds new subsection (c1) which creates a Class 1 misdemeanor for any person who shall unlawfully and willfully stop, impede, delay, or detain any public school bus or school bus activity bus while the bus is in the process of transporting students or while the bus is on its designated route;
- (4) Amends GS 14-288.4(a) by adding following activity to definition of disorderly conduct: engaging in conduct that disturbs the peace, order, or discipline on any public school bus or

public school activity bus while the bus is transporting students or while the bus is on its designated route.

(Note: This bill is identical to HB28.)

ASSUMPTIONS AND METHODOLOGY:

According to the Sentencing Commission, it is not known how many offenders might be sentenced under this bill since the Administrative Office of the Courts (AOC) does not have specific offense codes for the two existing offenses under N.C.G.S. 14-132.2(b) and 14-132.2(c). However, since the offenses would be reclassified from Class 2 misdemeanors to Class 1 misdemeanors, the reclassification is not expected to have a significant impact on the prison population.

Additionally, it is not known how many offenders might be sentenced under N.C.G.S 14-132.2(c1) since it would create a new offense for which there is no historical information. Moreover, it is estimated that it will have no significant impact on the prison population.

In FY1999/2000, 15% of Class 1 misdemeanor convictions resulted in active sentences, with an average imposed sentence length of 45 days. Offenders serving active sentences of less than 90 days are housed in county jails.

The Judicial Branch does not have a specific code for offenses relating to G.S. 14-132.2. However, available data for calendar year 2000 reveals 62 charges and 15 convictions. Due to the relatively low number of existing cases under this statute, Judicial would not expect a substantial fiscal impact from these amendments.

The draft bill also amends G.S. 14-288.4 (disorderly conduct) by adding new subsection (6a) creating an offense for conduct, which disturbs the peace, order, or discipline on any public school bus or public activity bus. In calendar year 2000, 4,582 defendants were charged with disorderly conduct; however the data do not reveal the type of conduct. Therefore, AOC is unable to estimate the number of new convictions resulting from the amendment.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910

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DATE: February 26, 2001



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