

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 1081 < 1st Edition >
SHORT TITLE: Malicious Conduct by Prisoner
SPONSOR(S): Senator Harris

FISCAL IMPACT

	Yes ()	No (X)	No Estimate Available ()		
	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>

REVENUES

EXPENDITURES

NO FISCAL IMPACT

POSITIONS: 0

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch, Dept. of Correction, and Department of Juvenile Justice & Delinquency Prevention

EFFECTIVE DATE: This act becomes effective Dec 1, 2001, and applies to offenses committed on or after that date.

BILL SUMMARY:

This bill enacts new G.S. 14-258.4 making it a Class A1 misdemeanor for any prisoner in the custody of the Department of Correction, Department of Juvenile Justice, or any local confinement facility (as defined), pending trial or appellate review or for any lawful purpose, to knowingly and willfully throw, emit, or cause to be thrown, bodily fluids upon an employee who is in the performance of his/her duties.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

AOC assumes that should there be a desire to file charges for conduct covered by this bill, misdemeanor assault could be charged under current law. Current G.S. 14-33(c)(4) makes it a Class A1 misdemeanor, the same level as the offense in this bill, to assault an officer or employee of the State or any political subdivision. Assaults in general under G.S. 14-33 are Class 2 or Class 1 misdemeanors.

While this bill could result in some additional assault charges that would not be filed under current law, or enhancement of assaults that are filed as less severe than the Class A1 misdemeanor charge in this bill, AOC would not expect the number of such cases to be very large, and does not predict a substantial impact on the courts from this bill.

Department of Juvenile Justice and Delinquency Prevention (DJJDP)

Per a discussion with DJJDP, they confirmed that these incidents occur frequently, but that they currently charge the prisoner with assault or handle with internal procedures. Therefore, the proposed bill would unlikely result in additional charges.

Department of Correction (DOC)

DOC also stated that the conduct proscribed in this bill is dealt with by internal procedures or with assault charges, so this bill would not create additional charges.

SOURCES OF DATA: Department of Correction; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission; Department of Juvenile Justice and Delinquency Prevention (DJJDP)

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: 733-4910

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DATE: April 23, 2001



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