

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 1453 (First Edition)

SHORT TITLE: Discharging Firearm on School Property

SPONSOR (S): Representatives Clary and Moore

	FISCAL IMPACT				
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2004-05</u>	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>
REVENUES:					
EXPENDITURES:		Exact amount cannot be determined			
POSITIONS:					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Administrative Office of the Courts; Department of Correction					
EFFECTIVE DATE: Act becomes effective when it becomes law					

BILL SUMMARY:

May 17, 2004

H 1453. DISCHARGING FIREARM ON SCHOOL PROPERTY. TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE. Amends GS 14-269.2, "Weapons on campus or other educational property," to specify that any person who discharges a firearm of any kind on educational property or at a curricular or extracurricular activity sponsored by a school is guilty of a Class F felony, unless the conduct is covered under some other provision of law providing greater punishment. Does not apply to a BB gun, stun gun, air rifle, or air pistol. Makes conforming amendment to GS 14-269.2(h) to clarify that the exception to the statutory prohibitions found in that subsection continues to apply only to the possession or carrying of a firearm.

Source: Bill Digest H.B. 1453 (05/17/2004)

ASSUMPTIONS AND METHODOLOGY:

Administrative Office of the Courts

The Administrative Office of the Courts (AOC) does not have an offense code for the current law, G.S. 14-269.2(b), which generally indicates that there are relatively few charges. A search of the “free text offense” database reveals that one defendant was charged in calendar year 2003 with possessing or carrying a firearm on educational property. (Since this field is optional, it would not likely reveal all of the charges.) Therefore, it cannot be determined whether this charge also involved the discharge of a firearm.

AOC is unable to estimate the impact on the courts because no data are readily available to estimate the number of new cases that would be filed. A person who discharges a firearm on educational property would presumably be charged with a Class I felony under current G.S. 14-269.2(b) (unless a more serious felony offense was also committed). This bill, in effect, would increase this penalty by three felony classes. An increase in punishment would result in increased costs and more time-consuming litigation. The difference in cost between a Class I felony plea and a Class F trial is about \$7,900. While a large number of cases are not expected to result from the proposed bill, the AOC regards any impact on the courts as substantial under current circumstances. AOC staff maintains that the court system is already under-funded and that it cannot absorb any additional workload without additional resources.

Department of Correction

Since the bill proposes a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this bill on the prison population. It is not known how many offenders might be sentenced for this proposed offense. However, in FY 2002/03 there were 21 convictions under current law, N.C.G.S. 14-269.2(b). If, for example, there were two Class F convictions per year for the proposed offense (which represents 10% of the 21 convictions under N.C.G.S. 14-269.2(b)), the combination of active sentences and probation revocations would result in the need for one additional prison bed the first year and two additional prison beds the second year. The daily operating cost per inmate ranges from \$46.23 for minimum security to \$74.56 for close security, with an average cost for all custody levels of \$57.92.

SOURCES OF DATA: NC Sentencing Commission; Administrative Office of the Court

TECHNICAL CONSIDERATIONS: none

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DATE: June 16, 2004

Signed Copy Located in the NCGA Principal Clerk's Offices