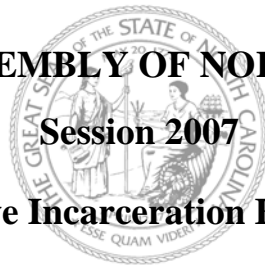


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: Senate Bill 92 (First Edition)

SHORT TITLE: Dangerous Dogs/Liability Insurance.

SPONSOR(S): Senator Bingham

FISCAL IMPACT				
	Yes (X)	No ()	No Estimate Available ()	
	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>	<u>FY 2010-11</u> <u>FY 2011-12</u>
GENERAL FUND				
Correction	No substantial impact anticipated; amount cannot be determined.			
Judicial	No substantial impact anticipated; amount cannot be determined.			
TOTAL EXPENDITURES:	Amount cannot be determined.			
ADDITIONAL PRISON BEDS: (cumulative)*	None anticipated; impact on local jails cannot be quantified.			
POSITIONS: (cumulative)	None anticipated.			
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Department of Correction; Judicial Branch; Local Governments.			
EFFECTIVE DATE:	October 1, 2007.			
<i>*This fiscal analysis is independent of the impact of other criminal penalty bills being considered by the General Assembly, which could also increase the projected prison population and thus the availability of prison beds in future years. The Fiscal Research Division is tracking the cumulative effect of all criminal penalty bills on the prison system as well as the Judicial Department.</i>				

BILL SUMMARY: Amends Article 1A of Chapter 67 (Dangerous Dogs) to add new G.S. 67-4.6, which requires owners of dangerous and potentially dangerous dogs to obtain an insurance policy of at least \$100,000 within 30 days upon determination by an animal control authority that a dog is "dangerous" or "potentially dangerous" (G.S. 67-4.1). Failure to obtain or provide evidence of such insurance to an animal control officer is a Class 1 misdemeanor offense. The act becomes effective October 1, 2007 and applies to acts occurring on or after that date.

Source: Adapted from Bill Digest S.B. 92 (02/07/0200)

ASSUMPTIONS AND METHODOLOGY:

General

Because the proposed offenses are new, there is no historical charge or conviction data from which to estimate the potential frequency of violation. Thus, Fiscal Research cannot quantify the impact of this proposal. *However, the nature of offense and proposed penalty level do not suggest a substantial impact.*

Department of Correction: Division of Prisons

Based on the most recent prison population projections and estimated available bed capacity, *there are no surplus prison beds available over the immediate five-year horizon or beyond.* Therefore, any new felony conviction that results in an active sentence will require an additional prison bed.

Class 1 misdemeanants serve their designated terms of incarceration within local jails; therefore, the proposed offense is not expected to impact the state's prison population.¹ The potential impact on local jail populations is unknown.

In FY 2005-06, 20% of Class 1 misdemeanor convictions resulted in active sentences, with an average estimated time served of 31 days. Thus, to the extent that future convictions for the proposed offense were to result in active sentences longer than 30 days, the Department of Correction could incur some additional costs for county reimbursement. However, given the typical length for Class 1 active sentences, Fiscal Research does not anticipate a significant increase in reimbursements due to this proposal.

Department of Correction: Division of Community Corrections

In FY 2005-06, 80% of Class 1 misdemeanor convictions resulted in either intermediate or community punishments, predominantly special, intensive, or general supervision probation. *Thus, if future convictions for the proposed offenses were to occur, the Division of Community Corrections (DCC) would likely assume some additional costs for offenders placed under its jurisdiction.* However, it is not known how many offenders would be sentenced to intermediate or community punishments, to which type, or for how long.

Presently, general supervision of intermediate and community offenders by a probation officer costs DCC \$1.96 per offender, per day; no cost is assumed for those receiving unsupervised probation, or who are ordered only to pay fines, fees, or restitution. DCC also incurs a daily cost of \$0.69 per offender sentenced to the Community Service Work Program. However, the daily cost per offender on intermediate sanction is much higher, ranging from \$7.71 to \$14.97 depending on the type of sanction. Intensive supervision probation is the most frequently used intermediate sanction, and costs an estimated \$14.97 per offender, per day. On average, intensive supervision lasts six-months, with general supervision assumed for a designated period thereafter.

¹ Active sentences between 1-90 days are served in local jails. The Department of Correction reimburses counties \$18 per day for offenders housed longer than 30 days (between 30 and 90). Sentences longer than 90 days are to be served in state prison; however, when bed shortages demand it, the State may lease needed beds from counties.

Judicial Branch

There is no readily available data from which to determine the number of persons who own dangerous dogs, or to estimate the number of persons with dogs that could be designated as “potentially dangerous” by local authorities. Thus, estimates of the number of resultant charges for the proposed offenses are unavailable. Nevertheless, the Administrative Office of the Courts expects that additional cases resulting from this proposal would increase court-time requirements and workloads for district attorneys, district court judges, clerks, court reporters, and indigent defense counsel. Presently, the estimated cost per Class 1 misdemeanor trial is \$3,702; the estimated cost per plea is \$243. Actual costs may vary from this general estimate, which includes indigent defense costs.

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

TECHNICAL CONSIDERATIONS: None

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