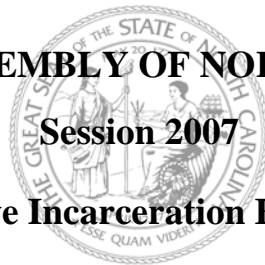


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: Senate Bill 175 (Second Edition)

SHORT TITLE: Interstate Wildlife Violator Compact.

SPONSOR(S): Senator Snow

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 significant impact anticipated; exact amount cannot be determined.				
Judicial	No significant impact anticipated; exact amount cannot be determined.				
TOTAL EXPENDITURES:	Amount cannot be determined.				
ADDITIONAL PRISON BEDS: (cumulative)*					
	None anticipated. Impact on local jail population is indeterminate.				
POSITIONS: (cumulative)					
	Amount cannot be determined.				
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Correction; Judicial Branch.					
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: Enacts a new Article 22B (Wildlife Violator Compact) of G.S. Chapter 113 directing the Governor to enter into a compact with other states concerning wildlife violators, to become effective when it has been adopted by two states. Directs wildlife offices writing citations to violators whose primary residence is in a state that is party to the compact to treat the violator as they would a resident and provides for personal recognizance. Currently, violators from out of state are required to post collateral or bond, or are taken into custody until collateral or bond is posted, or are taken to court for an immediate appearance. Provides for reporting of violations to

the issuing and home states. Directs the home state to suspend a violator's license until there is evidence of compliance and to treat the conviction as if it occurred in the home state. Directs party states to recognize the suspension of license privileges as if the underlying violation had occurred in their states. Establishes a board of compact administrators composed of one representative from each party state. Provides procedures states must follow to enter into the compact, for making amendments to the compact, and for the construction of the compact. New GS 113-300.7 gives the Wildlife Resources Commission (WRC) the ability to suspend or revoke a license to the extent that it has been suspended or revoked by another compact member and directs the WRC to adopt rules to carry out the Article. New G.S. 113-300.8 makes it a Class 1 misdemeanor for a person to hunt, fish, trap, possess, or transport wildlife, or to purchase or possess a license to do so in violation of a suspension or revocation. Effective October 1, 2007.

* Senate committee substitute makes the following changes to 1st edition. Modifies G.S. 113-300.6 to delete Provinces of Canada or other countries from the definition of "state" for the purposes of the act. Provides that a compact administrator may not appoint an alternate to serve in the compact administrator's stead unless written notification of the alternate's identity has been given to the Board of Compact Administrators. Directs that the chair of the Wildlife Resources Commission is to appoint the compact administrator for NC and provides that proposed amendments to the compact must be submitted to the General Assembly and enacted into law in order to be endorsed by NC. Makes technical changes

Source: Bill Digest S.B. 175 (02/14/0200).

ASSUMPTIONS AND METHODOLOGY:

General

Proposed G.S. 113-300.8 would make it unlawful for a person whose "license, privilege, or right to hunt, fish, trap, possess, or transport wildlife" has been suspended/revoked under the new Article to do any of those actions within the state, or to purchase or possess such State license while in violation of the Article. Because this is a new offense, it is not known how many additional violations might occur among non-residents in North Carolina, or North Carolina residents acting in other states. Based on the release requirement provided in S.B. 175, it is assumed that Article violations by North Carolina residents would constitute the principal effect on the State's justice system. However, additional processing costs could be incurred by the Courts.

Given current resources, any new charge or conviction that occurs for the proposed offense will generate some additional fiscal impact. However, the nature of the offense and proposed penalty level do not suggest this new offense will result in a substantial number of new charges or convictions.

Department of Correction

The Sentencing and Policy Advisory Commission prepares prison population projections for each bill containing a criminal penalty. The Commission assumes for such bills that expanding existing, or creating new criminal offenses produces no deterrent or incapacitative effect on crime. Accordingly, the Fiscal Research Division does not assume deterrent effects for any criminal penalty bill. 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.*

Because this bill creates a new criminal offense, the Sentencing Commission has no historical data from which to estimate the number of additional Class 1 misdemeanor convictions that might result. *Since Class 1 misdemeanants serve their designated terms of incarceration within local jails, there is no anticipated impact on the state prison population.¹ The potential impact on the local jail population is unknown. However, Fiscal Research does not anticipate a significant rate of active sentencing for this offense.*

Approximately 20% of all Class 1 misdemeanor convictions (for all offenses and across all prior record levels) resulted in active sentences in FY 2005-06, 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

The remaining 80% of Class 1 misdemeanants in FY 2005-06 received non-active, intermediate or community punishments. *If new convictions were to occur, the Division of Community Corrections (DCC) could incur some additional costs for offenders placed under its supervision.* 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.
- 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.

Judicial Branch

For most criminal penalty bills, the Administrative Office of the Courts provides Fiscal Research with an analysis of the fiscal impact of the specific bill. For these bills, fiscal impact is typically based on the assumption that court time will increase due to an expected increase in trials and a corresponding increase in the hours of work for judges, clerks and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

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.

Because this bill creates a new offense, there is no historical data from which to estimate the number of new Class 1 misdemeanor charges that might result. However, the Administrative Office of the Courts expects that any additional case could increase court-time requirements and the associated costs of case disposal. Presently the estimated costs per Class 1 misdemeanor trial and plea are \$3,702 and \$243, respectively. These cost estimates account for indigent defense. However, actual costs may vary with time requirements and case disposition.

In addition, to the extent that reporting of non-state residents' convictions or non-compliance (to that person's home state) flow through the courts rather than the Wildlife Resources Commission, the Courts could incur some additional programming costs – specifically, if electronic reporting from the automated court information system is required for this Compact.

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

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Bryce Ball and Jim Mills

APPROVED BY: Lynn Muchmore, Director
Fiscal Research Division

DATE: May 3, 2007



Signed Copy Located in the NCGA Principal Clerk's Offices