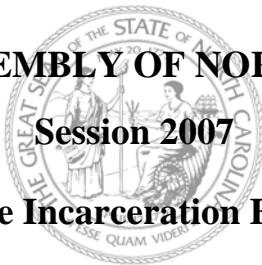


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: Senate Bill 371 (First Edition)
SHORT TITLE: Use of Senate Seals and Coat of Arms.
SPONSOR(S): Senator Rand

Table with fiscal impact data for FY 2007-08 to FY 2011-12. Includes sections for GENERAL FUND, ADDITIONAL PRISON BEDS, POSITIONS, and EFFECTIVE DATE.

**BILL SUMMARY:** Enacts new G.S. 120-271 making it a Class 2 misdemeanor to knowingly use, manufacture, reproduce, sell, or purchase for resale any likeness of any seal or coat of arms of the Senate, except as directed by the Senate or the Principal Clerk of the Senate or for manufacture or sale of an article for official use of the state. The Attorney General may bring suit to enjoin a violation of the section.

*Source: Bill Digest S.B. 371 (02/27/0200).*

## **ASSUMPTIONS AND METHODOLOGY:**

### **General**

Given current resources, any new charge or conviction for the proposed offenses will generate some additional fiscal impact. However, *the nature of the offense and proposed penalty level do not suggest a significant fiscal impact.* The exact number of future charges and convictions is indeterminate.

### **Department of Correction**

Because Class 2 misdemeanants serve their designated terms of incarceration within local jails, the proposed offenses are not expected to impact the state's prison population.<sup>1</sup> The potential impact on local jail populations is unknown.

In FY 2005-06, 17% of Class 2 misdemeanor convictions resulted in active sentences, with an average estimated time served of 13 days. However, per Structured Sentencing, Class 2 misdemeanor active sentences may range from 1 to 60 days (depending on one's prior record level). 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. But given the typical length for Class 2 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, 83% of Class 2 misdemeanor convictions resulted in either intermediate or community punishments, predominantly special, intensive, or general supervision probation. Accordingly, *if future convictions for the proposed offenses occur, the Division of Community Corrections (DCC) could assume some additional costs for offenders placed under its supervision.* 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.

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<sup>1</sup> 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.

- 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**

Because the proposed offenses are new, there is no data from which to estimate the number of charges that might occur. Nevertheless, the Administrative Office of the Courts expects that any additional case will increase court-time requirements and the associated costs of case disposal. Specifically, the AOC anticipates increased workload for district attorneys, district court judges, clerks, court reporters, and indigent defense counsel. Presently, the estimated court-time costs per Class 2 misdemeanor trial and plea are \$2,770 and \$230, respectively. These cost estimates account for indigent defense. Actual costs may vary with time requirements and disposition.

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

**TECHNICAL CONSIDERATIONS:** None

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