

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: Senate Bill 924 (Third Edition)

SHORT TITLE: School Bus Safety Act Correction.

SPONSOR(S): Senator Brunstetter

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 fiscal impact anticipated; exact amount cannot be determined. See "Assumptions and Methodology."				
Judicial					
TOTAL EXPENDITURES:					
ADDITIONAL PRISON BEDS:					
(cumulative)*	Minor bed impact expected.				
POSITIONS:					
(cumulative)					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Correction; Judicial Branch.					
EFFECTIVE DATE: Effective when it becomes law; except for the requirement that all buses be painted yellow – effective for school buses acquired on or after August 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: The first edition of S.B. 924 amends G.S. 20-217 to make it a Class I felony to strike a person (was, strike a person and cause serious bodily injury to that person) while passing a stopped school bus that is displaying either a mechanical stop signal or flashing red lights, and is receiving or discharging passengers. It also amends G.S. 20-4.01(d4), deleting the requirement that a vehicle bear the words "School Bus" in letters at least 8 inches high to qualify as a school bus for

the purposes of Chapter 20. As amended, the definition specifies that a school bus has the words “School Bus” on the front and the rear.

The second edition makes the following changes to the first edition.

- Corrects the statutory citation of the section being amended to G.S. 20-4.01(27)d4
- Modifies the proposed amendment by adding the requirements that the words “School Bus” be plainly visible on the front of a school bus and that the bus be painted primarily yellow below the roofline.
- The requirement that the bus be painted yellow is effective only for school buses acquired on or after August 1, 2007.

The third edition corrects the reference to G.S. 20-4.01 (27) d4 in Section 3 of the bill.

Source: Bill Digest S.B. 924 (03/19/0200).

ASSUMPTIONS AND METHODOLOGY:

General

There were five defendants charged under G.S. 20-217(g) in CY 2006 for passing a stopped school and causing serious bodily injury; and there were no convictions under G.S. 20-217 for passing a stopped school bus, whether causing serious bodily injury or not, during FY 2005-06. Accordingly, based on this low incidence of offense, few additional criminal charges and/or convictions are expected due to this proposal.

Department of Correction – Division of Prisons

In FY 2005/06, 15% of Class I felony convictions resulted in active sentences, with an average estimated time served of 7 months; conversely, 20% of Class 1 misdemeanor convictions resulted in active sentences, with an average time served of 31 days.¹ Thus, while implementation of this bill would enhance otherwise Class 1 misdemeanor offenses (current law) to Class I felonies, current sentencing patterns and prior conviction frequencies (none in FY 2005-06) indicate minimal impact on the prison population and prison bed requirements.

Department of Correction – Division of Community Corrections

In contrast, 85% of Class I felony convictions resulted in non active sentences in FY 2005-06, relative to 80% of Class 1 misdemeanor convictions. Therefore, it is assumed that a higher percentage of convictions, those subject to the proposed felony enhancement, would result in non-active sentences – primarily intermediate punishments (in lieu of community sanctioning). Intermediate sanctions include intensive supervision probation, special probation, house arrest with electronic monitoring, day reporting center, residential treatment facility, and drug treatment court. Community sanctions include supervised probation, unsupervised probation, community service, fines, and restitution. Included below is a brief summary of DCC sanction and supervisory costs:

- 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

¹ Active sentences between 1-90 days are served in local jails. The Department of Correction reimburses counties \$18 for each day that offenders are 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.

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

Although few enhanced cases are anticipated, the Administrative Office of the Courts expects that any offense enhancement will be accompanied by more vigorous defense and prosecution, and will thereby increase court-time requirements and the associated costs of case disposal. In particular, enhanced of otherwise Class 1 misdemeanors to Class I felonies will elevate future cases to superior court, rather than district court. Such elevation will increase jury involvement, as well as district attorney, superior court judge, clerk, court reporter, and indigent defense counsel workloads.

Table 1. Administrative Office of the Courts Cost Estimates Per Trial and Plea: FY 2007-08				
<i>Offense Class</i>	<i>Trial</i>	<i>Plea</i>	<i>Change in Cost: Trial</i>	<i>Change in Cost: Plea</i>
Class 1 Misdemeanor	\$ 3,702	\$ 243	N/A	N/A
Class I Felony	\$ 6,980	\$ 298	\$ 3,278	\$55

As shown, for affected cases, the proposed penalty enhancement is estimated to cost an additional \$3,278 per trial, and \$55 per plea. These cost estimates account for indigent defense.² Actual costs may vary with time requirements and disposition.

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

APPROVED BY: Lynn Muchmore, Director
Fiscal Research Division

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² Cost estimates are based on projected court-time requirements for judges, assistant district attorneys, deputy clerks, court reporters, and indigent defense counsel, and therefore represent only partial costs for court proceedings.