

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

Legislative Fiscal Note

BILL NUMBER: House Bill 266 (Second Edition)

SHORT TITLE: Use of Deadly Force by LEO/Collect & Publish.

SPONSOR(S): Representatives E. Floyd and Hughes

	FISCAL IMPACT				
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>
REVENUES:	No significant fiscal impact anticipated				
EXPENDITURES:					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Justice					
EFFECTIVE DATE: January 1, 2010					

BILL SUMMARY:

This bill addresses the following:

- Enacts a new GS 114-10.02 to require that the Division of Criminal Statistics (Division) collect, correlate, maintain, and publish information regarding any death resulting from the use of deadly force by law enforcement officers.
- Requires the Division to collect, maintain, and annually publish the number of deaths, by law enforcement agency, resulting from the use of deadly force by law enforcement officers in the course and scope of their official duties.
- Defines law enforcement officer as any sworn law enforcement officers with the power of arrest, both state and local.
- Prohibits the correlation between identification numbers and the name of officers from being made a public record and limits disclosure by the agency to when it is required by a court order to resolve a claim or defense.
- Effective for uses of deadly force resulting in deaths that occur on or after January 1, 2010.

ASSUMPTIONS AND METHODOLOGY:

General

The Bureau of Justice Statistics (BJS) in the U.S. Department of Justice reports that, in the three-year period from 2003 to 2005, there were 58 arrest-related deaths in North Carolina. Of these deaths, 19 were due to

homicide by a law enforcement officer and another 13 were accidental. In 2005 alone, data show eight (8) deaths due to law enforcement homicides.

Since most arrest-related deaths are already investigated, this bill does not increase the potential number of investigations. National data indicate that the vast majority (96%) of homicides by law enforcement officers involved the use of a firearm by officers. It should be noted, however, that national trend data also show an increasing number of arrest-related deaths involving the use of tasers or other conducted-energy devices. Further, some weapons-related deaths may be coded as accidents rather than homicides in the BJS data.

Department of Justice

The Department of Justice reports to Fiscal Research that they do not anticipate a significant fiscal impact resulting from the implementation of this bill. They predict that any fiscal impact can be absorbed within current resources.

SOURCES OF DATA: Department of Justice

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Danielle Seale, Jean Sandaire

APPROVED BY: Marilyn Chism, Director
Fiscal Research Division

DATE: May 6, 2009



Signed Copy Located in the NCGA Principal Clerk's Offices