

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 138 (2nd Edition)

SHORT TITLE: D.M.V. Enforcement Authority

SPONSOR(S): Representative Justus, et al

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Division of Motor Vehicles, Enforcement Section
State Highway Patrol

EFFECTIVE DATE: October 1, 1997

BILL SUMMARY: The proposed act grants DMV enforcement officers the power to enforce laws outside of those in Chapter 20 (motor vehicle laws) when: 1) the officer has probable cause to believe that an offense has been committed in the officer's presence while the officer is engaged in enforcing motor vehicles laws, or 2) the officer is asked to provide temporary assistance by a State or local law enforcement agency.

ASSUMPTIONS AND METHODOLOGY: Costs to the DMV Enforcement should not increase as a result of this legislation. DMV officers will not be required to take on any additional law enforcement duties under the proposed act. DMV officers will not be able to investigate criminal activity outside of their current jurisdiction, but will only be able to make arrests when a crime is committed in their presence, or their assistance is requested by another State or local law enforcement agency. Because additional duties are not being assigned to DMV, additional training will not be required.

DMV officers currently detain persons who commit criminal acts in their presence, but must call for another State or local law enforcement officer with arrest powers to take the person into custody. Under the proposed act, DMV officers would be able to take the person into custody themselves. Because DMV officers currently testify in cases in which they have detained persons committing criminal acts, the additional authority would not add to their overtime costs for court appearances. Court appearance costs for Highway Patrol officers may decrease under the proposed act because DMV cases would not be turned over to the Patrol. Based on the annual number of DMV calls to the Patrol for assistance, these cost savings are expected to be minimal.

TECHNICAL CONSIDERATIONS: None.

FISCAL RESEARCH DIVISION

733-4910

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DATE: March 17, 1997



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