

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** House Bill 234  
**SHORT TITLE:** Smoke Detector Installation/Penalties  
**SPONSOR(S):** Representative Easterling

**FISCAL IMPACT**

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

(in millions)

FY 1997-98   FY 1998-99   FY 1999-00   FY 2000-01   FY 2001-02

**GENERAL FUND**

**Correction**

No Fiscal Impact

Recurring

Nonrecurring

**Judicial**

No Fiscal Impact

Recurring

Nonrecurring

**TOTAL EXPENDITURES**

**POSITIONS:** It is anticipated that approximately 0 positions would be needed to supervise the additional inmates housed under this bill. This is based on inmate to employee ratios, provided by the Division of Prisons, for close, medium, and minimum custody facilities (These position totals include security, program, and administrative personnel.).

Close – 2 to 1  
Medium – 3 to 1  
Minimum – 4 to 1

**PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:** Dept. of Correction; Judicial Branch

**EFFECTIVE DATE:** December 1, 1997; and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

**BILL SUMMARY:**

**SMOKE DETECTOR PENALTIES. TO IMPOSE A CIVIL PENALTY AND TO MAKE IT A CLASS 3 MISDEMEANOR IF A LANDLORD FAILS TO PROVIDE, INSTALL, REPLACE, OR REPAIR A SMOKE DETECTOR IN A RESIDENTIAL RENTAL DWELLING.** Amends GS 42-44 as title indicates; limits civil penalty to \$500.<sup>1</sup>

**ASSUMPTIONS AND METHODOLOGY:**

***Judicial Branch***

The Judicial Branch does not anticipate this bill to have a fiscal impact on the court system. Although the Judicial Branch has no way of estimating the number of Class 3 misdemeanor charges that may be filed against landlords failing to comply with the smoke detector requirements of G.S. 42-42(a)(5), they do not believe the number would be large enough to have a substantial impact on the court system. The possibility of a misdemeanor charge and/or a civil penalty of five hundred dollars or more may induce some landlords to comply with their statutory duties regarding smoke detectors, a factor that could ameliorate the potential increase in civil and criminal action. Therefore, the Judicial Branch believes there would not be a significant fiscal impact on the court system, as there would not be any major changes in the time required to process or dispose of these cases.

***Department of Correction***

The North Carolina Sentencing and Policy Advisory Commission notes that since this bill would establish the criminal penalty of a Class 3 misdemeanor and/or a civil penalty, there would be very few, if any, people incarcerated within the State's prison system. Therefore, there would be no fiscal impact on the Department of Correction.

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

**TECHNICAL CONSIDERATIONS:** None.

**FISCAL RESEARCH DIVISION**

**733-4910**

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**APPROVED BY:** Tom L. Covington **TomC**

**DATE:** March 13, 1997



**Signed Copy Located in the NCGA Principal Clerk's Offices**

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<sup>1</sup> *Daily Bulletin*, Institute of Government, Vol. 1997, No. 11.