

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 425

SHORT TITLE: Assault With Bodily Fluids/AB.

SPONSOR(S): Representative Kiser; Barbee, Carpenter, Gulley, Hall, Hardy, Justus, Rayfield, Sexton, Shubert, Smith, Starnes, Thompson, Weatherly, and G. Wilson.

FISCAL IMPACT					
	Yes ()	No (X)	No Estimate Available ()		
	(in millions)				
	<u>FY 1997-98</u>	<u>FY 1998-99</u>	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>
GENERAL FUND					
Correction			<u>No Fiscal Impact</u>		
Recurring					
Nonrecurring					
Judicial			<u>No Fiscal Impact</u>		
Recurring					
Nonrecurring					
TOTAL EXPENDITURES	=====	=====	=====	=====	=====
<p>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.).</p> <p style="text-align: center;">Close – 2 to 1 Medium – 3 to 1 Minimum – 4 to 1</p>					
<p>PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch.</p>					
<p>EFFECTIVE DATE: December 1, 1997, and applies to offenses committed on or after that date.</p>					

BILL SUMMARY: ASSAULT WITH BODILY FLUIDS. TO CREATE THE CRIMINAL OFFENSE OF ASSAULT WITH BODILY FLUIDS OR WASTES. Makes an assault with bodily fluids or bodily wastes a class I felony. Applies to offenses committed on or after Dec. 1, 1997.¹

¹ Daily Bulletin, Institute of Government, UNC-Chapel Hill: Vol. 1997, No. 22.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

The Judicial Branch does not expect this bill to have a substantial fiscal impact on the court system. The Judicial Branch states no data are available from which to estimate the number of persons who commit and would be charged with felony assaults under this proposed bill (and who would not be charged with a felony offense under present law). The Judicial Branch does not expect the number of persons charged under this bill to be very large. The few additional defendants and charges could be handled with existing court resources.

Department of Correction

Based on the Judicial Branch's assessment that no data are available from which to estimate the number of persons who commit and would be charged with this offense, the Sentencing and Policy Advisory Commission does not anticipate this offense to have a substantial impact on the state prison system. For example, if there were 10 convictions per year for this offense, this may increase the prison populations by about one inmate. If there were 30 convictions per year for this offense, this may increase prison populations by about two inmates. These few additional inmates could be absorbed within Department of Correction resources by 1997-98, when bed capacity will be expanded and when this bill's impact will first be felt.

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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DATE: March 23, 1997



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