

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 594
SHORT TITLE: Fetus Death From Criminal Act
SPONSOR(S): Representative Starnes

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.

BILL SUMMARY:

FETUS DEATH FROM CRIMINAL ACT. TO PROVIDE THAT IT IS A CRIMINAL OFFENSE IF A PERSON COMMITS OR ATTEMPTS TO COMMIT A CRIMINAL ACT AND THE CRIMINAL ACT PROXIMATELY RESULTS IN THE DEATH OF A VIABLE FETUS OR A STILLBORN BIRTH. Adds new GS 14-18.2 to provide if person commits or attempts to commit criminal act that proximately causes death of viable fetus or a stillborn birth, person is guilty of (1) a class F felony if criminal act was felony (unless criminal act was felony death by vehicle, in which case offense is class G felony); or (2) a class A1 misdemeanor if criminal act was misdemeanor. Applies to offenses committed on or after Dec. 1, 1997.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

According to the Judicial Branch, they expect this bill to have little or no substantial fiscal impact on the court system. The Judicial Branch cannot estimate the number of criminal acts resulting in the death of a fetus. However, they expect that there are relatively few such cases. This bill adds additional charges to existing cases, as opposed to creating new, additional cases. Therefore, the Judicial Branch believes they can handle these additional charges and any new cases that may arise within existing court resources.

Department of Correction

Based on information received from the Judicial Branch, the Sentencing Advisory and Policy Commission cannot estimate the number of felony or misdemeanor cases that may result from this bill. However, the Sentencing Commission notes that any additional convictions will probably result in persons already being charged with another criminal act. Therefore, the Department of Correction can absorb the few convictions that may arise within existing resources.

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

TECHNICAL CONSIDERATIONS: None.

FISCAL RESEARCH DIVISION 733-4910 **DATE:** April 28, 1997

PREPARED BY: Andy Willis

APPROVED BY: Tom L. Covington



Signed Copy Located in the NCGA Principal Clerk's Offices