

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** House Bill 996 (First Edition)

**SHORT TITLE:** Electronic Monitoring in Nursing/Adult Care Homes

**SPONSOR(S):** Representative Earle; et al.

**FISCAL IMPACT**

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

**FY 2001-02   FY 2002-03   FY 2003-04   FY 2004-05   FY 2005-06**

**REVENUES**

**EXPENDITURES**

**Dept. Health and Human Services** – No estimate available; Impact possible

**Department of Correction** -- No fiscal impact expected

**Judicial Branch** --No fiscal impact expected

**(Although we cannot project the number of new jail inmates due to this bill, it should be noted that Class A1 misdemeanants could receive active jail sentences.)**

**POSITIONS: 0**

**PRINCIPAL DEPARTMENT (S) &**

**PROGRAM (S) AFFECTED:** Judicial Branch, Dept. of Correction, Dept. Health and Human Services, and County Jails

**EFFECTIVE DATE:** October 1, 2001

**BILL SUMMARY:** Adds new G.S. 131E-114.1 and 131D-42, applying to nursing homes and adult care homes, to allow residents and their families to set up electronic monitoring devices in the home, at the resident's expense, so that the family could monitor the resident's condition. It prohibits nursing homes and adult care homes from refusing a resident because of a request to install electronic monitoring devices, requires them to make reasonable physical accommodation for electronic monitoring (i.e. providing a power source and mounting space), and requires that they inform a resident or potential resident of the resident's right to install electronic monitoring devices. Operation of a nursing or adult care home in violation of this section is a Class A1 misdemeanor and is, upon conviction, subject to a fine and up to one-year imprisonment. Any person who willfully and without consent of

the resident obstructs, tampers with or destroys an electronic monitoring device or tape is guilty of a Class A1 misdemeanor and upon conviction subject to a fine and imprisonment for up to 90 days.

**ASSUMPTIONS AND METHODOLOGY:**

Department of Health and Human Services

The proposed legislation may have a fiscal impact on the Division of Facility Services, Department of Health and Human Services because this division is responsible for the regulation of nursing homes and adult care homes. Permitting residents of nursing homes and adult care homes or their families to monitor residents via a video camera or other recording device may increase the number of complaints received by the Division of Facility Services and may cause the Division's workload to increase. The fiscal impact of the potential workload increase cannot be estimated because the number of camera installations occurring as a result of the proposed legislation cannot be estimated.

Department of Correction

According to the Sentencing Commission, it is not known how many offenders might be sentenced under this bill since it covers conduct that is not currently a criminal offense. Since it applies to misdemeanor offenses, the reclassification is not expected to have a significant impact on the prison population. However, if violators may be imprisoned up to one year, this bill may result in some prison impact. In FY 1999/2000, approximately 19% of Class A1 misdemeanor convictions resulted in active sentences, with an average imposed sentence length of 69 days. Offenders serving active sentences of less than 90 days are housed in county jails.

Judicial Branch

AOC has no data on which to base an estimate of the number of residents who might request electronic monitoring, or the number of homes who might violate notice or other requirements under this bill. They do not predict a substantial fiscal impact on the courts from this bill.

**TECHNICAL CONSIDERATIONS: NONE**

**FISCAL RESEARCH DIVISION 733-4910**

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**DATE:** April 25, 2001



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