

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** HB 1085 (1<sup>st</sup> Edition)

**SHORT TITLE:** Probation Revocation to Court of Appeals

**SPONSOR(S):** Rep. Hackney

**FISCAL IMPACT**

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

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

**REVENUES**

**EXPENDITURES**      \$37,500 (NR)

**POSITIONS:**

**PRINCIPAL DEPARTMENT(S) &  
PROGRAM(S) AFFECTED:**      Judicial Branch

**EFFECTIVE DATE:** Dec 1, 2001; applies to offenses committed on or after that date

**BILL SUMMARY:** Amends GS 15A-1347 as title indicates. Provides that appeals go directly to the Court of Appeals. Effective Dec. 1, 2001, and applies to offenses committed on or after that date.

**ASSUMPTIONS AND METHODOLOGY:**

Under current law, probation revocations by a district court judge can be appealed de novo to Superior Court. This bill would instead direct appeals to the Court of Appeals. While there are not data readily available on the frequency of appeals of probation revocations to Superior Court and Court of Appeals, this change would result in some reduced workload in Superior Court. However, a record of the proceedings in District Ct would be needed for the appeal. Generally, District Ct criminal proceedings are not recorded but recording systems are used in District Ct Civil cases. In some counties, there may not be an equipped courtroom available in which to record these proceedings. This could occur in the smaller counties with less equipment or in larger counties where the civil courtroom is fully used.

The Judicial Branch did a very quick survey of counties to identify those that would lack access to a courtroom with recording equipment for these kinds of cases. Of the 55 counties that responded (which represented a variety of sizes of county), 8 stated they would not have an available courtroom with recording equipment. If these 55 counties are representative, there would be 15 counties statewide in this situation. The Judicial Branch estimates the cost of each system at \$2,500. The cost of purchasing 15 systems would be \$37,500. (There may also be additional wiring costs but that data was not readily available)

**TECHNICAL CONSIDERATIONS:** HB 1139, Appeals from Contempt, poses a similar situation for the court system. Funding would be needed for **either** HB 1139 or HB 1085, but not both.

**FISCAL RESEARCH DIVISION 733-4910**

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**DATE:** April 18, 2001



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