

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1468 (First Edition)

SHORT TITLE: Certain Weapons of Mass Destruction

SPONSOR(S): Representative Baddour

FISCAL IMPACT				
Yes (X)	No ()	No Estimate Available (X)		
<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>
REVENUES				
EXPENDITURES				
POSITIONS:				
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Administrative Office of the Courts; Department of Correction				
EFFECTIVE DATE: Act becomes effective when it becomes law and applies to all offenses committed on or after that date.				

BILL SUMMARY: To provide criminal penalties for: (1) the manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of nuclear, biological, or chemical weapons of mass destruction; (2) the use or attempted use of nuclear, biological, or chemical weapons of mass destruction; (3) the false reporting of a nuclear, biological, or chemical weapon of mass destruction; and (4) the perpetration of a hoax by the use of a false nuclear, biological, or chemical weapon of mass destruction. Provides, also, that murder by means of a nuclear, biological, or chemical weapon of mass destruction is first-degree murder. Act becomes effective when it becomes law.

ASSUMPTIONS AND METHODOLOGY: The staff of the Administrative Office of the Courts (AOC) is unable to provide data that can be used to project the fiscal impact of the proposal legislation on the judicial system. The fiscal impact cannot be estimated because the proposed offenses do not exist under current law, therefore AOC staff cannot project the number of defendants who would be charged under the new penalties. However, given the

current social environment, the AOC staff does expect an increase in the number of offenses involving nuclear, biological, or chemical weapons of mass destruction, particularly those involving hoaxes or false reports. Because of the seriousness of these charges, the AOC expects these cases to be high profile and extraordinary, perhaps comparable to capital cases in terms of the expense to the court system and to county or state agencies responsible for security.

Since the bill creates new offenses, the North Carolina Sentencing Commission does not have historical data from which to estimate the impact on the prison population. Therefore, it is not known how many offenders might be sentenced under this statute. The offenses specified in the bill would have active sentences, based on FY1999-2000 data, averaging from 6.3 years (Class D); to 23.5 years (Class B1); to life, about 35.6 years (Class A). Class A and B1 felons have a long-term impact on the prison population due to the long sentences imposed, which result in a “stacking” effect. If there are a large number of convictions, there could be substantial short and long-term impact on the prison population due to the build-up of convictions over the years.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910

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