

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** Senate Bill 959 (First Edition)

**SHORT TITLE:** Highway Assault-Active Time

**SPONSOR(S):** Senator Lee

**FISCAL IMPACT**

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

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

**REVENUES**

**No Estimate Available; impact expected.**

**EXPENDITURES**

**POSITIONS:**

**PRINCIPAL DEPARTMENT(S) &**

**PROGRAM(S) AFFECTED:** Judicial Branch; Dep. of Correction

**EFFECTIVE DATE:** December 1, 2001

**BILL SUMMARY:**

Makes it a felony to drop or throw an object at a motor vehicle. Violation of this act becomes a Class H felony with a mandatory active sentence.

**ASSUMPTIONS AND METHODOLOGY:**

Administrative Office of the Courts

The conduct that this bill addresses would currently be charged under G.S. 14-33 as a misdemeanor assault. The bill does not contain any language relating to the size of the object thrown or the intent of the person dropping or throwing objects at a vehicle. Therefore, the bill could add new cases that are not currently charged as misdemeanors. Although AOC expects the bill to have impact on the court, they are unable to provide an estimate. The creation of a Class H felony and the required active sentence would result in increased court time and preparation for trials and pleas, for felonies in superior court that were once tried as misdemeanors in district court. (source: AOC)

Division of Prisons

The Sentencing Commission does not have any historical data from which to estimate the impact of this bill on prison population since the bill creates a new offense. Although it is not known how many offenders might be sentenced under this bill, just one conviction per year would result in an active sentence requiring one additional prison bed each year. If there were five convictions for this offense and all convictions resulted in active sentences, this would result in the need for four additional prison beds each year. (source: *NC Sentencing and Policy Advisory Commission*). The cost of housing one inmate in medium custody prison is \$68.13 per day, totaling \$24,867 per year. These costs include security, inmate costs (food, medical etc.) and administrative overhead costs for the Department and the Division of Prisons. Since the Department of Correction anticipates a shortage of prison beds beginning with fiscal year 2002, a bill that adds even one bed would result in a fiscal impact.

**TECHNICAL CONSIDERATIONS:**

**FISCAL RESEARCH DIVISION 733-4910**

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**APPROVED BY:** James D. Johnson

**DATE:** April 20, 2001



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