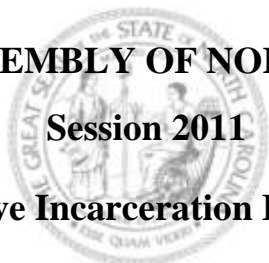


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2011

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: House Bill 650 (Second Edition)

SHORT TITLE: Amend Various Gun Laws/Castle Doctrine.

SPONSOR(S): Representatives Hilton, LaRoque, Cleveland, and Hastings

	FISCAL IMPACT				
	Yes (X)	No ( )	No Estimate Available ( )		
	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>	<u>FY 2014-15</u>	<u>FY 2015-16</u>
<b>EXPENDITURES:</b>					
Correction			<i>*See Assumptions and Methodology*</i>		
Probation			<i>*See Assumptions and Methodology*</i>		
Judicial			<i>*See Assumptions and Methodology*</i>		
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Department of Correction; Judicial Branch					
<b>EFFECTIVE DATE:</b> December 1, 2011					
<i>*This fiscal analysis is independent of the impact of other criminal penalty bills being considered by the General Assembly, which could also increase the projected prison population and thus the availability of prison beds in future years. The Fiscal Research Division is tracking the cumulative effect of all criminal penalty bills on the prison system as well as the Judicial Department.</i>					

BILL SUMMARY:

The proposed legislation reduces the penalty for firearm possession on school grounds to a Class 1 misdemeanor and adds an intent or knowledge of wrongdoing requirement. The act also reduces the penalty for possessing knives, bb guns, and similar weapons on school grounds and for encouraging or aiding a minor to possess such weapons on school grounds, to a Class 2 misdemeanor.

In addition, the act exempts a person with a valid concealed carry permit from criminal penalties for possession on school grounds or at school activities when the firearm is located in a vehicle. The bill adds an intent or knowledge of wrongdoing requirement to the prohibition on open or concealed carry of deadly weapons in the State Capitol Building, the Executive Mansion, the Western Residence of the Governor and any courts, and exempts a person with a concealed carry permit who has a firearm in a closed container in a locked vehicle from the prohibition on weapons

at those locations. The bill also eliminates the exemption for weapons at State owned rest areas, rest stops and hunting or fishing reservations, and eliminates the automatic prohibition on firearms for persons subject to domestic violence protective orders and reduces the penalty to a Class 1 misdemeanor.

The proposed legislation allows a justification defense for persons otherwise guilty of communicating threats. The act also permits guns locked in vehicles in parades, funeral processions, picket lines and demonstrations at private health care facilities or government properties, narrows the definition of dangerous weapons prohibited at such locations, and exempts persons with concealed carry permits from those prohibitions.

Further, the act broadens the preemption of local ordinances or exercise of proprietary authority that regulate firearms and ammunition. The bill narrows the power of counties and municipalities to use zoning authority to restrict sale or display of firearms and ammunition, and narrows power of counties and municipalities to extend bans on firearm possession to parking areas.

The act provides that prohibition of firearms in publicly owned buildings does not apply to business or residential lessees in those buildings, and provides for persons who have been convicted of felonies or otherwise lost their firearms rights to have those rights restored by pardon or otherwise. The act also allows concealed carry permit holders to carry concealed handguns in bars, at parades and other public assemblies, and in areas subject to rules of the Legislative Service Commission.

The proposed legislation limits the grounds on which sheriffs can deny concealed carry permits, and provides for judicial review of permit denials, with the right of appeal. The act also decreases the time within which a sheriff must deny or issue a permit and the length of temporary emergency permits to 45 days.

The act provides for comity with any state that issues a concealed handgun permit. The bill restricts the fees that sheriffs may charge for storage of surrendered and seized weapons, and removes liability shield from sheriffs for damage or deterioration of weapons in storage or transport. Also, the act directs the courts to order the return of seized or surrendered weapons absent a finding that the defendant is precluded by law from possessing the weapon.

The proposed legislation eliminates the requirement that persons subject to a protective order prohibiting the possession of firearms must disclose all information about weapons they possess. The act reduces the penalty for violation of protective orders to a misdemeanor. Finally, the act amends G.S. 153A to eliminate a county's authority to regulate the display of firearms on public roads, sidewalks, or other public property, and amends G.S. 160A to provide that city regulation of firearms is subject to Article 53C of Chapter 14, providing for sport shooting ranges.

The bill becomes effective December 1, 2011, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of the act are not abated or affected by the act, and the statutes that would be applicable but for this act remain applicable to those prosecutions. *SOURCE: BILL DIGEST H.B. 650 (04/05/2011)*

**ASSUMPTIONS AND METHODOLOGY:**

**General**

The Sentencing and Policy Advisory Commission prepares prison population projections for each bill containing a criminal penalty. The Commission assumes for such bills that expanding existing, or creating new criminal offenses produces no deterrent or incapacitative effect on crime. Therefore, the Fiscal Research Division does not assume deterrent effects for any criminal penalty bill.

**Department of Correction – Division of Prisons**

**Sections 1 and 2:** The proposed legislation enacts new statutes and repeals existing statute affecting the right to use defensive force. Overall, the changes expand the right of defensive force in a way that might reduce convictions for assaultive crimes, including homicides. However, it is not known how many convictions, if any, will be avoided based on these changes.

**Section 3:** This section exempts from the offense in G.S. 14-269, Carrying a concealed weapon, a person who is a qualified retired law enforcement officer certified by the North Carolina Criminal Justice Education and Training Standards Commission, provided the person is neither consuming nor has in his or her system alcohol or an unlawful controlled substance. Violation of G.S. 14-269(a) (carrying a concealed weapon) is a Class 2 misdemeanor; violation of G.S. 14-269(a1) (carrying a concealed pistol or gun) is a Class 2 misdemeanor for a first offense and a Class I felony for a second or subsequent offense. It is not known how many convictions, if any, will be eliminated by the new exemption, enacted as subpart (b)(4a).

**Impact:** In FY 2009-10, there were 805 Class 2 misdemeanor convictions for violations of G.S. 14-269(a) (carrying a concealed weapon). There were 697 Class 2 misdemeanor convictions for violations of G.S. 14-269(a1) (carrying a concealed pistol or gun) for the first offense and 28 Class I felony convictions for a second or subsequent offense (See Table 1). It is not known how many convictions, if any, will be eliminated by the new exemption, enacted as subpart (b)(4a). Therefore, it is not possible to determine the impact on the State prison system. Convictions for misdemeanor offenses typically do not have a substantial impact on the prison population.

**Table 1: Convictions for Carrying a Concealed Weapon or a Concealed Pistol or Gun**

Offense	Class	# of Conv.	Type of Punishment		
			Active %	Intermediate %	Community %
G.S. 14-269(a) (carrying a concealed weapon)	Class 2 Misd	805	30.9	1.3	67.8
G.S. 14-269(a1) (carrying a concealed pistol or gun)	Class 2 Misd	697	18.4	2.1	79.5
G.S. 14-269(a1) (carrying a concealed pistol or gun) 2 <sup>nd</sup> or subsequent offense	Class I Felony	28	7.1	28.6	64.3

DATA SOURCE(S): NC Sentencing and Policy Advisory Commission, FY 2009-10 Structured Sentencing Simulation Data

**Section 4:** This section narrows the reach of G.S. 14-269.2, Weapon on campus or other educational property, by amending the definition of educational property to exclude property that is merely used, but not owned or operated, by a board of education or school board of trustees or directors for the administration of a school. This narrowing affects the following offenses in G.S. 14-269.2:

Subsection (b): Class F felony to willfully discharge a firearm on educational property.

**Impact:** In FY 2009-10, there were three Class F convictions for violations of subsection (b). It is not known how many convictions, if any, will be eliminated by the narrowed definition of educational property. Therefore, it is not possible to determine the impact on the state prison system.

Subsection (b): Class I felony to possessing or carry a firearm on educational property or to a curricular or extracurricular activity sponsored by a school. In addition to re-defining educational property, Section 4 further narrows this offense by amending subsection (b) to require proof that the defendant acted knowingly, and enacting subsection (f1) to exempt a firearm possessed in a closed compartment or container with a person's locked vehicle or in a locked container securely affixed to the person's vehicle, if the person has a permit issued under Article 54B (Concealed Handgun Permit). The exemption allows the person to unlock the vehicle when entering and exiting.

**Impact:** In FY 2009-10, there were 20 Class I convictions for violations of subsection (b). Of those 20 convictions, none received an active sentence. It is not known how many convictions, if any, will be eliminated by these changes. Therefore, it is not possible to determine the impact on the state prison system.

Subsection (b1): Class G felony to possess or carry any dynamite cartridge, bomb, grenade, mine, or powerful explosive on educational property or to a curricular or extracurricular activity sponsored by a school.

**Impact:** In FY 2009-10, there were no Class G convictions for violations of subsection (b1). It is not known how many convictions, if any, will be eliminated by the narrowed definition of educational property. Therefore, it is not possible to determine the impact on the state prison system.

Subsection (c): Class I felony to cause, encourage, or aid a minor less than 18 years of age to possess or carry a firearm on educational property.

**Impact:** In FY 2009-10, there were no Class I convictions for violations of subsection (c). It is not known how many convictions, if any, will be eliminated by the narrowed definition of educational property. Therefore, it is not possible to determine the impact on the state prison system.

Subsection (c1): Class G felony to cause, encourage, or aid a minor less than 18 years of age to possess or carry any dynamite cartridge, bomb, grenade, mine, or powerful explosive on educational property.

**Impact:** In FY 2009-10, there were no Class G convictions for violations of subsection (c1). It is not known how many convictions, if any, will be eliminated by the narrowed definition of educational property. Therefore, it is not possible to determine the impact on the state prison system.

Subsections (d)-(f): Class 1 misdemeanor to (d) possess or carry any of various non-firearm weapons on educational property; (e) cause, encourage, or aid a minor less than 18 years of age to possess or carry any of various non-firearm weapons on educational property; or (f) possessing or carry a firearm on educational property or to a curricular or extracurricular activity sponsored by a school, if the person is not a student attending or an employee working at the school or the school-sponsored activity, and the firearm is unloaded and in a locked container or locked firearm rack of in a vehicle. The offense in subsection (f) is further narrowed by the exemption enacted in new subsection (f1) for firearms in a locked compartment of a locked vehicle.

**Impact:** In FY 2009-10, there were 154 Class 1 convictions for violations of subsections (d)-(f). Of those 154 convictions, 14.9 percent had an active sentence imposed. It is not known how many convictions, if any, will be eliminated by the narrowed definition of educational property for these offenses or by the (f1) exemption for the offense in subsection (f). However, convictions for misdemeanor offenses typically do not have a substantial impact on the prison population. Impact on local jail populations cannot be determined.

**Section 5:** The act exempts from the Class 1 misdemeanor in G.S. 14-269.4, Weapons on State property and in courthouses (AOC Code: 5241M), a person who has a valid permit issued under Article 54B (Concealed Handgun Permit) and who possesses a firearm in a closed compartment or container with a person's locked vehicle or in a locked container securely affixed to the person's vehicle. This exemption allows the person to unlock the vehicle when entering and exiting.

**Impact:** In FY 2009-10, there were three Class 1 convictions for violations of G.S. 14-269.4. Of those three convictions, none received an active sentence. It is not known how many convictions, if any, will be avoided by this exclusion. However, convictions for misdemeanor offenses typically do not have a substantial impact on the prison population. Impact on local jail populations cannot be determined.

**Section 6:** The bill narrows and reclassifies the offense in subsection (a) of G.S. 14-269.7, Prohibitions on handguns for minors. Currently, is as a Class 2 misdemeanor for a minor to possess or carry and handgun. The bill amends the offense to require that the minor act willfully and intentionally, and elevates the offense to a Class 1 misdemeanor.

**Impact:** In FY 2009-10, there were 42 Class 2 convictions for violations of G.S. 14-269.4. Of those 42 convictions, 33.3 percent had an active sentence imposed. Since the proposed bill added the requirement that the minor act willfully and intentionally, it is not known how many convictions, if any, will be avoided by the new offense elements.

In FY 2009-10, 24 percent of Class 1 misdemeanor convictions resulted in active sentences, with an average estimated time served of 41 days. Offenders serving active sentences of 90 days or less are housed in county jails. Therefore, the bills reclassification of this Class 2 misdemeanor offense to Class 1 would not be expected to have a significant impact on the prison population. The impact on local jail populations is not known.

**Sections 7, 25-26:** The act narrows the Class H felony offense in G.S. 14-269.8, Purchase or possession of firearm by persons subject to domestic violence order prohibited (and reiterated in G.S. 50B-3.1(j)), to allow a person subject to the protective order under G.S. 50B-3.1 to own (but not purchase, possess, or receive) a firearm, machine gun, ammunition, or related permits while the order is in effect.

**Impact:** In FY 2009-10, there were three Class H convictions for violations of G.S. 14-269.8. Of those three convictions, none received an active sentence. It is not known how many convictions, if any, will be avoided by the narrowing of this offense. Therefore, it is not possible to determine the impact on the state prison system.

**Section 8:** This section exempts persons lawfully possessing or owning a weapon of mass death and destruction in compliance with 26 U.S.C. Chapter 53 (Machine Guns, Destructive Devices, and Certain Other Firearms) from the Class F felony offense in G.S. 14-288.8, Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapons of mass death and destruction; exceptions.

**Impact:** In FY 2009-10, there were 55 Class F convictions for violations of G.S. 14-288.8. Of those 55 convictions, 25.5 percent had an active sentence imposed. It is not known how many convictions, if any, will be avoided by this exemption. Therefore, it is not possible to determine the impact on the state prison system.

**Section 9:** Section 9 exempts persons lawfully possessing or owning a machine gun or submachine gun in compliance with 26 U.S.C. Chapter 53 (Machine Guns, Destructive Devices, and Certain Other Firearms) from the Class I felony offense in G.S. 14-409, Machine guns and other like weapons.

**Impact:** In FY 2009-10, there were no Class I convictions for violations of G.S. 14-409. It is not known how many convictions, if any, will be avoided by this exemption. Therefore, it is not possible to determine the impact on the state prison system.

**Section 10:** The proposed legislation amends the exemption in G.S. 14-404(d) for law enforcement officers from the offenses in Article 52A (Sale of Weapons in Certain Counties). Currently, the exemption applies if the law officer identifies him- or herself to the vendor and states that the purpose for purchasing the firearm is directly related to official duties. The amendment would require one of the following: a letter signed by the officer's supervisor stating that the officer is authorized to carry a firearm; a photographic identification issued by the officer's employer or a State agency identifying the individual as a certified law enforcement officer; or a non-photographic identification card issued by the officer's employer plus another form of

photographic identification. However, the amendment would no longer require a representation that the purchase is directly related to the officer's official duties. Therefore, the bill may expand the exemption to cover additional weapons not needed for the officer's official duties.

The amendment may affect the Class 2 misdemeanor in 14-402, Sale of certain weapons without permit forbidden, as well as the Class I felony in 4-409, Machine guns and other like weapons.<sup>1</sup>

**Impact:** In FY 2009-10, there were four Class 2 convictions for violations of G.S. 14-402. Of those four convictions, one had an active sentence imposed. It is not known how many convictions, if any, will be avoided by the amendment. However, convictions for misdemeanor offenses typically do not have a substantial impact on the prison population. Impact on local jail populations cannot be determined.

In FY 2009-10, there were no Class I convictions for violations of G.S. 14-409. It is not known how many convictions, if any, will be avoided by the amendment. Therefore, it is not possible to determine the impact on the state prison system.

**Section 11:** The section enacts two Class F felonies in new G.S. 14-408.1, Solicit unlawful purchase of firearm; unlawful to provide materially false information regarding legality of firearm or ammunition transfer.

Subsection (b) of G.S. 14-408.1 makes it a Class F felony to knowingly solicit, persuade, encourage, or entice a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances that the person knows would violate North Carolina or federal law. Under subsection (d), a person who willfully procures another to engage in this conduct is accountable as a principal.

**Impact:** Since the proposed subsection creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this subsection on the prison population. It is not known how many offenders might be convicted and sentenced under the proposed subsection.

In FY 2009-10, 54 percent of Class F convictions resulted in active sentences, with an average estimated time served of 18 months. If, for example, there were two Class F convictions for this proposed offense per year, the combination of active sentences and probation revocations would result in the need for one additional prison bed the first year and two additional prison beds the second year.

Subsection (c) of G.S. 14-408.1 makes it a Class F felony to provide a licensed dealer or private seller of firearms or ammunition information that the person knows to be materially false with the intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition. Under subsection (d), a person who willfully procures another to engage in this conduct is accountable as a principal.

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<sup>1</sup>The expanded exemption for law enforcement officers who purchase weapons under Article 52A would not appear to impact the Class 2 misdemeanor in G.S. 14-406 and 14-408, which concerns dealer record-keeping.

**Impact:** Since the proposed subsection creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this subsection on the prison population. It is not known how many offenders might be convicted and sentenced under the proposed subsection.

In FY 2009-10, 54 percent of Class F convictions resulted in active sentences, with an average estimated time served of 18 months. If, for example, there were two Class F convictions for this proposed offense per year, the combination of active sentences and probation revocations would result in the need for one additional prison bed the first year and two additional prison beds the second year.

**Section 12:** Section 12 expands the authorization for out-of-state firearms purchases by citizens of North Carolina by amending G.S. 14-409.10, Purchase of rifles and shotguns out of State.

**Section 13:** This section bars a business, commercial enterprise, or employer from prohibiting a person from transporting or storing any firearm or ammunition (when the person is otherwise in compliance with applicable law) that is locked out of sight within the trunk, glove box, or other enclosed compartment or area within or on a motor vehicle.

**Section 14:** The act amends G.S. 14-415.1, Possession of firearms, etc., by felony prohibited, to exclude additional persons from the Class G felony. Currently, the offense does not apply to a person whose firearm rights have been restored under G.S. 14-415.4, Restoration of firearm rights. The bill amends G.S. 14-415.1(d) to exempt any person who has been pardoned or has had his or her firearm rights restored pursuant to the jurisdiction where the felony conviction occurred.

**Impact:** In FY 2009-10, there were 1,145 Class G convictions for violations of G.S. 14-415.1. Of those 1,145 convictions, 41.3 percent had an active sentence imposed. It is not known how many convictions, if any, will be avoided by this amendment. Therefore, it is not possible to determine the impact on the state prison system.

**Sections 15-24:** These sections amends various provisions of Article 54B (Concealed Handgun Permit). Most significantly, Section 23 reclassifies as an infraction the current Class 2 misdemeanor offense for violating a provision of Article 54B (Concealed Handgun Permit) in G.S. 14-415.21, Violation of this Article punishable as an infraction.

**Impact:** In FY 2009-10, there were three Class 2 convictions for violating a provision of Article 54B (Concealed Handgun Permit) in G.S. 14-415.21. Of those three convictions, one had an active sentence imposed. If the three Class 2 convictions were to become infractions, there would be a potential jail bed savings since infractions are punishable only by a fine, and, therefore, do not have an impact on prison or jail populations.

**Section 27:** The proposed legislation enacts G.S. 95-156, Liability protection for businesses; firearms, to exempt a business, commercial enterprise, employer, or property owner from prosecution under G.S. 95-139, Criminal Penalties, based on the party's decision to allow persons with handgun permits to carry a handgun on the premises. Under G.S. 95-139(a), it is a Class 2 misdemeanor to willfully violates any standard, rule, regulation or order promulgated pursuant to



the Occupational Safety and Health Act of North Carolina, causing the death of any employee. Under G.S. 95-139(b), a second or subsequent conviction under (a) is a Class 1 misdemeanor.

**Impact:** The Administrative Office of the Courts (AOC) currently does not have a specific offense code for violations of G.S. 95-139(a) or G.S. 95-139(b). The lack of an AOC offense code is some indication that this offense is infrequently charged and/or infrequently results in convictions. It is not known how many Class 1 or Class 2 misdemeanor convictions, if any, will be eliminated by the enactment of G.S. 95-156. Convictions for misdemeanor offenses typically do not have a substantial impact on the prison population. Impact on local jail populations cannot be determined.

**Section 28:** Finally, Section 28 amends G.S. 120.32.1, Use and maintenance of buildings and grounds, to bar the Legislative Services Commission from adopting any rules for legislative buildings or grounds which would prohibit the transportation or storage of a firearm in a closed compartment or container within a person's locked vehicle or in a locked container securely affixed to a person's vehicle.

### **Department of Correction – Division of Community Corrections**

For felony offense classes E through I and all misdemeanor classes, offenders may be given non-active (intermediate or community) sentences exclusively, or in conjunction with imprisonment (split-sentence). Intermediate sanctions include intensive supervision probation, special probation, house arrest with electronic monitoring, day reporting center, residential treatment facility, and drug treatment court. Community sanctions include supervised probation, unsupervised probation, community service, fines, and restitution. Offenders given intermediate or community sanctions requiring supervision are supervised by the Division of Community Corrections (DCC); DCC also oversees community service.<sup>2</sup>

General supervision of intermediate and community offenders by a probation officer costs DCC \$2.49 per offender, per day; no cost is assumed for those receiving unsupervised probation, or who are ordered only to pay fines, fees, or restitution. The daily cost per offender on intermediate sanction ranges from \$8.93 to \$14.96, depending upon sanction type. Thus, assuming intensive supervision probation – the most frequently used intermediate sanction – the estimated daily cost per intermediate offender is \$14.96 for the initial six-month intensive duration, and \$2.49 for general supervision each day thereafter. Total costs to DCC are based on average supervision length and the percentage of offenders (per offense class) sentenced to intermediate sanctions and supervised probations.

Because there is no data available upon which to base an estimate of the number of convictions that will be sentenced to intermediate or community punishment, potential costs to DCC cannot be determined.

### **Judicial Branch**

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<sup>2</sup> DCC incurs costs of \$0.69 per day for each offender sentenced to the Community Service Work Program; however, the total cost for this program cannot be determined.

The Administrative Office of the Courts provides Fiscal Research with a fiscal impact analysis for most criminal penalty bills. For such bills, fiscal impact is typically based on the assumption that court time will increase due to anticipated increases in trials and corresponding increases in workload for judges, clerks, and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

**Section 1:** The act makes several statutory changes that expand the conditions required for use of defensive force by an individual. These changes may result in fewer or less serious charges than would otherwise occur. However, it is not possible to estimate any potential change in the number of charges or change in the workload impact on court resources.

**Section 4:** Section 4 reduces the scope of potential charges of violation of 14-269.2, Weapon on campus or other educational property, by requiring that the person act knowingly, and allows a person who holds a valid Concealed Handgun Permit to possess a firearm on campus or other educational property if the person meets certain conditions as to the placement and storage of the firearm. This change may result in fewer charges of violation of 14-269.2 and thus, a marginal decrease in workload demands on court resources. However, it is not possible to estimate any potential change in the number of charges or change in the workload impact on court resources.

**Section 5:** The act reduces the scope of potential charges of violation of 14-269.4, Weapons on State property and in courthouses, by allowing a person who holds a valid Concealed Handgun Permit to possess a firearm on State property or in a courthouse if the person meets certain conditions as to the placement and storage of the firearm. This change may result in fewer charges of violation of 14-269.4 and thus, a marginal decrease in workload demands on court resources.

**Section 6:** This section reduces the scope of potential charges of violation of 14-269.8(a), possession of a handgun by a minor, by requiring that the person act willfully and intentionally, and also increases the punishment from a Class 2 misdemeanor to a Class 1 misdemeanor. Because this changes the scope of an existing charge it is not possible to estimate any potential change in the number of charges. However, any new charge under this bill will require slightly more resources since the punishment is elevated.

**Section 11:** The proposed legislation creates two new Class F felonies under new 14-408.1 for soliciting unlawful purchase of a firearm and for providing false information regarding a firearm or ammunition transfer. It is unknown how many new charges might result from the passage of this bill.

Overall, the monetary value of the average workload of a lower level (Class I through F) felony case for those positions typically involved in felony cases – Superior Court Judge, Assistant District Attorney, Deputy Clerk, Court Reporter, and Victim Witness Legal Assistant – is \$945. As the Class F felonies in this bill will represent new charges in superior court, the average fiscal impact of each case would be the full \$945. In addition, a 2005 Office of Indigent Defense study of fee applications found that the average indigent defense cost for a Class H felony case was \$540 per indigent defendant, as compared to an average of \$225 for indigent misdemeanants.

**Section 13:** Section 13 may result in additional wrongful death or personal injury civil claims brought in Superior Court. However, information is not available on the number of additional filings that may result from the passage of this bill. AOC estimates that the monetary value of each case would be approximately \$353, for Superior Court judge and Deputy Clerk resources.

**Section 15:** The act adds language that requires that a person must disclose to any law enforcement officer their valid permit and their concealed handgun when approached by an officer only when the officer is in the performance of official duties. This change may result in fewer charges of violation of 14-415.11. However, AOC is not able to estimate a fiscal impact from this section.

**Section 23:** Section 23 changes violations of Article 14 from the existing infraction or Class 2 misdemeanor to only infractions. This will eliminate some Class 2 misdemeanor charges and will result in some savings. However, AOC is not able to estimate a fiscal impact from this section.

**SOURCES OF DATA:** Department of Correction; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission; and Office of State Construction.

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION: (919) 733-4910**

**PREPARED BY:** Sarah Poteat Stone and John Poteat

**APPROVED BY:** Lynn Muchmore, Director  
**Fiscal Research Division**

**DATE:** June 7, 2011



**Signed Copy Located in the NCGA Principal Clerk's Offices**