

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

Legislative Fiscal Note

BILL NUMBER: Senate Bill 850 (First Edition)

SHORT TITLE: Motions for Appropriate Relief.

SPONSOR(S):

FISCAL IMPACT					
(\$ in millions)					
	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> No Estimate Available		
	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
State Impact					
General Fund Revenues:					
General Fund Expenditures:					
Special Fund Revenues:					
Special Fund Expenditures:					
State Positions:					
NET STATE IMPACT	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
Local Impact					
Revenues:					
Expenditures:					
NET LOCAL IMPACT	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:					
Administrative Office of the Courts; Indigent Defense Services					
EFFECTIVE DATE: December 1, 2016					
TECHNICAL CONSIDERATIONS:					
None					

BILL SUMMARY:

This bill amends the statutes pertaining to motions for appropriate relief (G.S. 15A-1413(d), G.S.15A-1420, and G.S. 7A-451). This fiscal note addresses the proposed change to G.S. 7A-451, which clarifies that indigent defendants who file a motion for appropriate relief may be entitled to assigned counsel, if their motion is found by a judge to have merit.

ASSUMPTIONS AND METHODOLOGY:

The Administrative Office of the Courts (AOC) does not have data on the number of motions for appropriate relief filed each year, nor how many such motions are found to have merit. AOC notes

that the way motions for appropriate relief are handled may vary depending on local judicial practice. For local courts that regularly perform a thorough review, including a hearing, on each motion filed, the provision in Section 2 that creates a cursory review may reduce the workload involved. For local courts that follow a different process, the proposed review may increase workload requirements. AOC is unable to estimate the overall change in workload.

Indigent Defense Services (IDS) provides representation to indigent clients throughout North Carolina. Though this bill requires the appointment of counsel for indigent defendants who have filed a valid motion for appropriate relief, IDS notes that this is already the accepted practice. Therefore, IDS does not anticipate an increase in costs to result from this bill.

SOURCES OF DATA: Administrative Office of the Courts; Indigent Defense Services.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Lisa Fox

APPROVED BY:

Mark Trogon, Director
Fiscal Research Division

DATE: May 17, 2016



Signed Copy Located in the NCGA Principal Clerk's Offices