

FISCAL NOTE TRANSMITTAL FORM

The attached fiscal note on the bill(s) named above is being transmitted to:

**BILL NUMBER:** H 1490

**SHORT TITLE:** Iredell Third-Degree Trespass

**SPONSOR(S):** Representative C. Robert Brawley

Chief Sponsor, House  
Chief Sponsor, Senate  
Fiscal Note Requested By

Chairman of the House Committee on

Chairman of the House Subcommittee on

Chairman of the Senate Committee on

Chairman of the Senate Subcommittee on

Speaker of the House, Daniel T. Blue, Jr.  
President Pro Tempore, Henson Barnes  
Chairman of the House Base Budget Appropriations Committee  
Representative David Diamont  
Chairman of the House Expansion Budget Appropriations Committee  
Representative Martin Nesbitt  
Chairman of the Senate Appropriations Committee  
Senator Marc Basnight  
Chairman of the Senate Ways and Means Committee  
Senator Kenneth C. Royall, Jr.  
Chairman of the Senate Base Budget Committee  
Senator Aaron W. Plyler

House Principal Clerks Office  
Senate Principal Clerks Office

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: H 1490

SHORT TITLE: Iredell Third-Degree Trespass

SPONSOR(S): Representative C. Robert Brawley

FISCAL IMPACT: Expenditures: Increase ( ) Decrease ( )  
Revenues: Increase ( ) Decrease ( )  
No Impact (x)  
No Estimate Available ( )

FUNDS AFFECTED: General Fund (x) Highway Fund ( ) Local Fund ( )  
Other Fund ( )

BILL SUMMARY:

Offense is committed when person without written authorization enters or remains on premises of another for hunting, fishing, trapping, or operating all-terrain vehicle. Violation punishable by maximum \$200 fine and maximum 30 days' imprisonment.

EFFECTIVE DATE: October 1, 1992

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department

FISCAL IMPACT

	<u>FY</u> 92-93	<u>FY</u> 93-94	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97
EXPENDITURES					
RECURRING	-0-	-0-	-0-	-0-	-0-
NON-RECURRING					
REVENUES/RECEIPTS					
RECURRING					
NON-RECURRING					
POSITIONS:	-0-	-0-	-0-	-0-	-0-

**ASSUMPTIONS AND METHODOLOGY:**

The district attorney's office based their estimate for the number of new filings that would result in Iredell County on the estimated number of new filings resulting from an identical bill that went into effect on October 1, 1991 in Davidson County (ratified House Bill 816, 1991 Session Laws, Chapter 252). They estimated that there are two to three third degree trespass cases in Davidson County a week, although they are primarily restricted to the spring and fall months. Iredell, with a smaller population than Davidson, would probably not have quite this many new filings. Thus, we would estimate that 50 to 100 new cases annually might be brought in Iredell County under this third degree trespass bill. This number of cases does not warrant a detailed evaluation of the additions to the workload of the clerk of court, district court judges and district attorney. In terms of defense costs, it is estimated that only rarely would court appointment be necessary, both because it is believed that many defendants would engage private counsel or waive counsel, and because in many cases, the entitlement under G.S. 7A-451(a)(1) -- that imprisonment or a fine of \$500 or more is likely to be adjudged -- may not apply. However, there would probably be a few cases requiring payment of indigent defense costs. (For example, assuming 100 new cases, and appointment of counsel for a quarter of the defendants (25 defendants), at an average cost of \$150 per case, indigent defense costs would total \$3,750.)

The district attorney's office indicated that in the vast majority of cases, the likely sentencing outcome would be a fine, with no jail sentence, either active or suspended.

Based on the analysis described above, this fiscal note specifies no fiscal impact from the enactment of House Bill 1490. Such is the case in this instance partly because the bill pertains to only one county. Enactment of similar bills in other counties or statewide could, of course, create a more substantial impact. Similarly, if a number of bills affecting the courts were enacted, each having a relatively small impact, the cumulative impact on the North Carolina court system could be significant.

**SOURCES OF DATA:**

The Administrative Office of the Courts conducted telephone interviews with the District Attorney and one of his assistants in Prosecutorial District 22 (Alexander, Davidson, Davie and Iredell Counties) to estimate the impact that this bill would have in Iredell County.

**TECHNICAL CONSIDERATIONS:**  
**FISCAL RESEARCH DIVISION: 733-4910**  
**PREPARED BY:** Carolyn H. Wyland  
**APPROVED BY:** Tom L. Covington  
**DATE:** June 10, 1992



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