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NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 858 (Companion to SB 793)

SHORT TITLE: No Handguns Unless 18

SPONSOR(S): Senator Winner of Mecklenburg

FISCAL IMPACT:    Expenditures:    Increase ( )        Decrease ( )  
                          Revenues:            Increase ( )        Decrease ( )  
                          No Impact (X) Judicial Department  
                          No Estimate Available (X) Department of Correction

FUND AFFECTED:    General Fund ( )    Highway Fund ( )    Local Fund ( )  
                          Other Fund ( )

BILL SUMMARY:    Adds new G.S. 14-269.7 making possession of a handgun by a person under 18 a six-month misdemeanor. Provides exception for officers and enlisted personnel of the US armed forces. Amends G.S. 14-315 to add handguns to the list of weapons that may not be transferred to minors.

EFFECTIVE DATE: September 1, 1993

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department; Department of Correction

JUDICIAL DEPARTMENT

FISCAL IMPACT

	<u>FY</u> 93-94	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98
EXPENDITURES	0	0	0	0	0
NON-RECURRING					
REVENUES/RECEIPTS	0	0	0	0	0
RECURRING					
NON-RECURRING					

POSITIONS: No new positions

ASSUMPTIONS AND METHODOLOGY: Based on the following analysis provided by the Administrative Office of the Courts (AOC), it is not anticipated that the proposed legislation would have a substantial fiscal impact on the Judicial Branch. It is estimated that there would be very few new misdemeanor filings resulting from this bill. This bill applies to minors under both the juvenile justice system

and the criminal justice system. The term "minor" is defined as any person under the age of 18.

"No actual data are available to confidently estimate the number of new misdemeanor filings that may occur if this bill is passed. However, the Juvenile Services Division of the Administrative Office of the Courts has been able to obtain some statewide data from the Department of Public Instruction (DPI) on the frequency of handguns on school property. For the period from March of 1992 through March of 1993, reported incidents that involved possession of a firearm on school property resulted in the following actions: in-school suspension, 8 students; suspension for ten days, 214 students; long-term suspension, 323 students; charged with possession of a firearm on school property, 193 students. Additionally, in calendar year 1992, DPI reports that they had 1,423 documented incidents involving students with weapons. No information is available as to how many of these weapons were handguns, and neither report identifies offenders by age. Thus, it is unclear how the offenders would be distributed between juvenile (under 16) and adult criminal district court (16 and 17 year olds), or whether they would be excluded from the scope of this act due to having obtained age 18.

"Taking these limited data into account, and the results of an informal survey of eight or nine juvenile court counselors, the Juvenile Services Division concluded that there would be no significant impact on the number of filings in juvenile court if this bill were enacted. Juvenile Services believes that it is most likely that a juvenile would be charged with this offense after having already come into contact with the juvenile justice system and having been charged with some other offense, such as carrying a concealed weapon, possessing a weapon on school property, or drug charges. It is anticipated that this bill would be much more likely to result in an additional misdemeanor charge against a juvenile, rather than to be an offense that initiates the juvenile's entry into the system. Therefore, it may strengthen the case against the juvenile but will probably not change the nature of the proceedings.

"It is anticipated that this analysis would apply as well to 16 and 17 year-old defendants in the adult criminal justice system. One district attorney indicated that the individuals most likely to be subject to this bill have already been charged with other offenses, such as carrying a concealed weapon or having a weapon on school property. He does not expect this bill to result in new misdemeanor filings. Similarly, the proposed expansion of G.S. 14-315 (selling or giving weapons to minors) to include "handgun as defined in G.S. 14-269.7" should not result in additional misdemeanor filings.

Although the AOC is not predicting a substantial fiscal impact on the Judicial Branch due to this individual bill, the AOC notes that "at some point, the cumulative additional workload from bills that impact on the courts cannot simply be absorbed, and additional resources will be required."

DEPARTMENT OF CORRECTION

FISCAL IMPACT

FY 93-94      FY 94-95      FY 95-96      FY 96-97      FY 97-98

EXPENDITURES

RECURRING

NON-RECURRING

NO ESTIMATE AVAILABLE

REVENUES/RECEIPTS

RECURRING

NON-RECURRING

POSITIONS: Unknown

**ASSUMPTIONS AND METHODOLOGY:** The only data available to estimate the impact of the proposed legislation on the Department of Correction (DOC) is the above referenced data provided by the Department of Public Instruction (DPI). As previously noted, one report provided by DPI indicated there were 738 discipline or court actions taken against students for the possession of firearms on school property from March of 1992 through March of 1993. While this data is probably a good indication that the proposed legislation will have an impact on the DOC, additional data is required before this assumption can be substantiated and a cost analysis can be provided.

For example, it is unknown how many of the school instances actually involved handguns. (It is conceivable that a number may have involved BB guns or other firearms.) Also, the age of the offenders would be needed to calculate detention costs for juveniles as compared to incarceration costs for offenders ages 16 and 17. (Note that juvenile detention costs are projected to average approximately \$95 a day in the present FY as compared to approximately \$30 to incarcerate offenders in a local jail. Due to the "up to six months" misdemeanor penalty imposed by the bill, most offenders receiving jail time would likely be housed at local jails.) Probably most significant, is the inability of the AOC to estimate the number of convictions where the proposed offense would be a new offense charged or the most serious offense charged. G.S. 14-269.1 already makes it a misdemeanor punishable by six months imprisonment for the possession of weapons on school property. Hence, no estimate is provided for the Department of Correction.

**SOURCES OF DATA:** Administrative Office of the Courts; Department of Public Instruction

**TECHNICAL CONSIDERATIONS:** None.

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

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**DATE:** 05-MAY-93

**[FRD#003]**



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