

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** Senate Bill 922

**SHORT TITLE:** Amend Habitual Felon Law

**SPONSOR(S):** Senator Odom; Senator Winner

**FISCAL IMPACT**

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

FY 1997-98    FY 1998-99    FY 1999-00    FY 2000-01    FY 2001-02

**REVENUES**                                      NONE  
**EXPENDITURES**                                NONE

**PRINCIPAL DEPARTMENT(S) &  
PROGRAM(S) AFFECTED:**      Judicial Branch

**EFFECTIVE DATE:** December 1, 1997; applies to offenses on or after that date

**BILL SUMMARY: AMEND HABITUAL FELON LAW. TO PROVIDE THAT A JUDGE RATHER THAN A JURY SHALL DETERMINE WHETHER A PERSON IS AN HABITUAL FELON OR A VIOLENT HABITUAL FELON.** Amends and repeals various statutes in Art. 2A and Art. 2B of GS Ch. 14 for purpose indicated in title. Deletes requirement that indictment charging habitual felon or violent habitual felon must be separate from indictment charging the principal felony. Provides that the three most recent prior felony convictions will be used to establish person's habitual felon status. Any other prior felony conviction may be used to establish prior record level as provided by GS 15A-1340.14. Provides that the two most recent violent felony convictions will be used to establish person's violent habitual felon status.

**ASSUMPTIONS AND METHODOLOGY:**

The Judicial Branch does not anticipate a substantial impact of this bill. They have no basis to predict that SB 922 would change the frequency with which prosecutors pursue habitual felon indictments, the trial rate for affected defendants or the conviction outcomes. Since the Judicial Branch does not project any impact on conviction outcomes, there is no impact on the Department of Corrections.

**FISCAL RESEARCH DIVISION  
733-4910**

**PREPARED BY:** Elisa Wolper

**APPROVED BY:** Tom Covington

**DATE:** May 28, 1997



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