

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB320 (Second Edition)

SHORT TITLE: Safe Storage of Firearms

SPONSOR(S): Representative Weiss, et al.

FISCAL IMPACT					
Yes ()	No ()	No Estimate Available (X) (county jails)			
<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>	
REVENUES					
EXPENDITURES					
Department of Correction -- No fiscal impact expected					
Judicial Branch --No fiscal impact expected					
(Although we cannot project the number of new jail inmates due to this bill, it should be noted that Class 1 and Class A1 misdemeanants could receive active jail sentences.)					
POSITIONS:					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Judicial Branch and the Department of Correction; County Jails					
EFFECTIVE DATE: Effective December 1, 2001, and applies to offenses committed on or after that date.					

BILL SUMMARY:

(1) Amends GS 14-315.1(a) making it a Class 1 misdemeanor to store or leave a firearm in a manner in which the person knew or should have known that a minor would be able to gain access to it and a minor gains access without lawful permission of the minor's parents or a person having charge of the minor and the minor possesses it in violation of GS 14-269.2(b) or exhibits it in a public place. Current law limits the offense to those who share residence with a minor.

(2) Amends GS 14-315.1 by adding a new subsection (a1) making it a Class A1 misdemeanor to store or leave a firearm in a manner in which the person knew or should have known that a minor would be able to gain access to it and a minor gains access without the permission of the minor's parents or a person having charge of the minor and uses it to cause personal injury or death, not in self defense, or in the commission of a crime;

(3) Creates exceptions for firearms kept in a locked box or locked container, or kept unloaded and equipped with a tamper-resistant mechanical lock or other safety device rendering them inoperable by anyone other than the authorized users, or kept unloaded and out of sight, with the ammunition stored in a separate secure location.

ASSUMPTIONS AND METHODOLOGY:

Sentencing Commission

According to the Sentencing Commission, it is not known how many offenders might be sentenced under this bill since the Administrative Office of the Courts (AOC) does not have a specific offense code for the existing offense under N.C.G.S. 14-315.1. However, since the offense applies to misdemeanor offenses, the reclassification is not expected to have a significant impact on the prison population.

In FY1999/2000, approximately 19% of Class A1 misdemeanor convictions resulted in active sentences, with an average imposed sentence length of 69 days. Offenders serving active sentences of less than 90 days are housed in county jails.

Judicial Branch

AOC does not have a specific offense code for G.S. 14-315.1, consequently data are not available on exactly how often defendants are charged with these offenses under current law. They do know, however, that 16 charges in district court were entered into a “free text” field according to the Criminal Court Information System.

Since this bill broadens the scope of the law and increases the punishment from a Class 1 to a Class A1 misdemeanor if a minor uses it to cause personal injury or death in the commission of a crime, AOC anticipates some impact. Yet, they are unable to estimate the number of new convictions resulting from the bill. Given that there were so few charges statewide, Fiscal Research expects that any increase in court workload from this one bill can be absorbed with existing resources.

TECHNICAL CONSIDERATIONS: None

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