

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE FISCAL NOTE
(INCARCERATION NOTE G.S. 120-36.7)**

BILL NUMBER: HB 1171 3rd Edition

SHORT TITLE: Amend Hazing Laws

SPONSOR(S): Representative Dickson

	FISCAL IMPACT				
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>
GENERAL FUND					
Correction					
Recurring					Unable to determine exact amount.
Judicial					
Recurring					Unable to determine exact amount.
TOTAL					
EXPENDITURES:					Unable to determine exact amount.
ADDITIONAL					
PRISON BEDS*					Unable to determine exact amount.
POSITIONS:					
(cumulative)					Unable to determine exact amount.
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Correction (DOC); Judicial Branch					
EFFECTIVE DATE: December 1, 2003					
*This fiscal analysis is independent of the impact of other criminal penalty bills being considered by the General Assembly, which could also increase the projected prison population and thus the availability of prison beds in future years. The Fiscal Research Division is tracking the cumulative effect of all criminal penalty bills on the prison system as well as the Judicial Department.					

BILL SUMMARY¹: HB 1171 amends G.S. 14-35 in two ways. First, the bill expands the applicability of the statute to expressly include universities. Second, the bill also narrows the definition of hazing to include only acts of physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group. The bill does not modify the current Class 2 misdemeanor punishment for this offense.

ASSUMPTIONS AND METHODOLOGY:

General

The Sentencing and Policy Advisory Commission prepares prison population projections for each criminal penalty bill. The Commission assumes for each bill that increasing criminal penalties does not have a deterrent or incapacitative effect on crime. Therefore, the Fiscal Research Division (FRD) does not assume savings due to deterrent effects for this bill or other criminal penalty bills.

Department of Correction

The Sentencing and Policy Advisory Commission prepares inmate population projections annually. The projections used for incarceration fiscal notes and fiscal memos are based on January 2003 projections. These projections are based on historical information on incarceration and release rates under Structured Sentencing, crime rate forecasts by a technical advisory board, probation and revocation rates, and the decline (parole and maxouts) of the stock prison population sentenced under previous sentencing acts. Based on the most recent population projections and estimated available prison bed capacity, *there are no surplus prison beds available for the five year Fiscal Note horizon and beyond.* The number of beds needed will always be equal to the projected number of inmates due to a bill.

In FY 2001-2002, there were no convictions under G.S. 14-35. In addition the Sentencing Commission notes that the new definition of hazing as defined in HB 1171 may limit the application of the statute because it requires that the student be subjected to physical injury and that the hazing be a prerequisite to membership or part of initiation into an organized school group.

Sentencing Commission data reveal that in FY 2001-2002, 12.6 percent of Class 2 misdemeanor convictions resulted in active sentences. The average estimated time served was 15.1 days. Active sentences between 1-90 days are served in local jails; the DOC reimburses counties for active sentences between 30-90 days at a cost to the state of \$18/day. However, most Class 2 misdemeanants receive community or intermediate sanctions. In 2001-2002, costs for these non-active sentences ranged from \$1.83 to \$11.47 per offender per day.

Judicial Branch

For most criminal penalty bills, the Administrative Office of the Courts (AOC) provides Fiscal Research with an analysis of the fiscal impact of the specific bill. For these bills, fiscal impact is typically based on the assumption that court time will increase due to an expected increase in trials and a corresponding increase in the hours of work for judges, clerks and prosecutors. This

¹ AOC Research and Planning

increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

Under current G.S. 14-35, it is a Class 2 misdemeanor for any student in any college or school in North Carolina to engage in, or to aid or abet another student in, the offense known as hazing. Hazing is defined as “to annoy any student by playing abusive or ridiculous tricks upon him, to frighten, scold, beat or harass him, or subject him to personal indignity.”

AOC data for calendar year 2002 indicate that 18 defendants were charged under current G.S. 14-35 for hazing. Because the bill narrows the definition of hazing, the AOC states that there may be a reduction in the number of charges under the amended statute. However, because data is unavailable concerning whether the above hazing cases involved physical injury, it is not known whether the number of charges might be reduced.

For offenses that are brought to trial as Class 2 misdemeanors, the estimated court cost per trial is \$2,264. For Class 2 misdemeanors not brought to trial, and where a guilty plea is entered, AOC estimates the cost per guilty plea at \$266.

SOURCES OF DATA: Department of Correction; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission

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