

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

**BILL NUMBER:** SB 245 1st Edition (**CORRECTED COPY**)<sup>1</sup>  
**SHORT TITLE:** Controlled Hunting/No Importation of Coyotes  
**SPONSOR(S):** Senator Weinstein

	<b>FISCAL IMPACT</b>				
	<b>Yes (X)</b>	<b>No ( )</b>	<b>No Estimate Available ( )</b>		
	<b><u>FY 2003-04</u></b>	<b><u>FY 2004-05</u></b>	<b><u>FY 2005-06</u></b>	<b><u>FY 2006-07</u></b>	<b><u>FY 2007-08</u></b>
<b>GENERAL FUND</b>					
<b>Correction</b>		Bill creates a new offense; unable to determine exact amount.			
<b>Judicial</b>		Unable to determine exact amount; no significant impact anticipated.			
<b>Wildlife Resources     Commission</b>		No General Fund Impact			
<b>TOTAL EXPENDITURES:</b>		Unable to determine exact amount; no significant impact anticipated.			
<b>ADDITIONAL PRISON BEDS*</b>		It is likely that most misdemeanants sentenced to an active sentence under this bill would be housed in local jails at a cost of \$18/day. The exception is Class 1 offenders falling in Prior Record Level III who may receive active sentences that might be served in the state prison system.			
<b>POSITIONS: (cumulative)</b>		Unable to determine exact amount; additional positions not anticipated.			
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b>		Department of Correction (DOC); Judicial Branch			
<b>EFFECTIVE DATE:</b>		October 1, 2003			
<i>*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 (FRD) is tracking the cumulative effect of all criminal penalty bills on the prison system as well as the Judicial Department.</i>					

<sup>1</sup> Corrects the criminal penalty on page 1 to a Class 1 misdemeanor.

**BILL SUMMARY:** The proposed legislation authorizes the hunting of coyotes in controlled hunting preserves. The legislation would also make it unlawful to import live coyotes into North Carolina and provides that any person who willfully transports or attempts to transport live coyotes into the State are guilty of a Class 1 misdemeanor and that the Wildlife Resources Commission shall suspend any controlled hunting preserve operator license issued to that person for two years.

**ASSUMPTIONS AND METHODOLOGY:** The proposed legislation is part of the ongoing monitoring and enforcement activities of the Wildlife Resources Commission. There is no fiscal impact to the Commission associated with the proposed changes.

### **General**

The Sentencing and Policy Advisory 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, 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.

Because SB 245 creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this bill on the prison population. It is not known how many offenders might be sentenced under this bill. In FY 2001-2002, 15.8 percent of Class 1 misdemeanor convictions resulted in active sentences. The average estimated time served was 35.2 days. It is likely that misdemeanants sentenced under this bill would be housed in local jails but paid for by the State at a cost of \$18/day. (Active sentences between 1-90 days are served in local jails; the DOC reimburses counties for active sentences between 30-90 days). Because only Class 1 offenders falling in Prior Record Level III receive active sentences that might be served in the state prison system, convictions for this proposed offense would not be expected to have a significant impact on the prison population. The impact on local jail populations is not known.

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

The AOC is aware of no data from which to estimate the number of new charges that would arise from this bill. Violations of the proposed legislation are subject to a Class 1 misdemeanor. For Class 1 misdemeanor offenses that are brought to trial, the estimated court cost per trial is \$3,144. For Class 1 misdemeanor offenses not brought to trial, and where a guilty plea is entered, AOC estimates the cost per guilty plea at \$279.

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

**TECHNICAL CONSIDERATIONS:** The bill date is effective October 1, 2003. Traditionally, most bills with criminal penalties become effective on December 1. This date has been used to give the criminal justice system time to change their operating systems to accommodate criminal penalty changes and to inform and train attorneys and judges of those changes.

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**DATE:** May 12, 2003



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