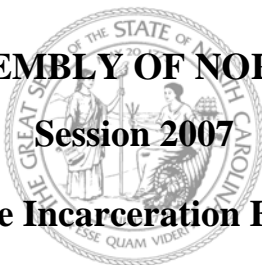


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: House Bill 1624 (First Edition)

SHORT TITLE: Frequency of Parole Reviews.

SPONSOR(S): Representatives Barnhart, Glazier, Goodwin, and Almond

		FISCAL IMPACT				
		Yes ()	No ()	No Estimate Available (xx)		
		<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>
GENERAL FUND						
Correction	This bill could increase the prison population because fewer individuals may be paroled annually because of the new review schedule. However, the bill allows the Parole Commission to have more frequent reviews if “the Commission finds that exigent circumstances or the interests of justice demand more frequent parole consideration.” Therefore, no estimate is available because there is no information to project how frequently certain events may occur (see “Assumptions & Methodology” on page 2).					
Judicial	none					
TOTAL EXPENDITURES:						
ADDITIONAL PRISON BEDS:						
(cumulative)*						
POSITIONS:						
(cumulative)						
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Correction; Judicial Branch.						
EFFECTIVE DATE: July 1, 2007						
*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 SUMMARY:

House Bill 1624 amends GS 15A-1371(b), which is still applicable for sentences based on offenses occurring before January 1, 1995, directing the Parole Commission to consider parole and provide notice of its decision for prisoners for which parole has already been denied, on the following schedule, unless the commission finds more frequent consideration is necessary: (1) no more than once every five years for a prisoner convicted of first degree murder other than felony murder, (2) no more than once every four years for a prisoner convicted of felony murder, and (3) no more than once every three years for a prisoner convicted of second degree murder. Effective for parole reviews conducted on or after July 1, 2007.
Source: Bill Digest H.B. 1624 (04/18/0200)

ASSUMPTIONS AND METHODOLOGY:

Department of Correction – Division of Prisons

The Department of Correction’s Research and Planning analyzed the impact of HB 1624 on prison bed needs. As part of their analysis, Research & Planning made a series of assumptions: first, that all cases would be established on a five year or three year review cycle; second, the proportion of offenders exiting prison over time would remain constant; and finally, these assumptions do not account for the impact of other initiatives (i.e., MAPP).

Research and Planning’s model assumes that the Parole Commission would conduct the five and three year reviews, which would have an impact on prison beds. However, the Parole Commission indicates that House Bill 1624 allows for continued annual reviews if it “finds that exigent circumstances or the interests of justice demand more frequent parole consideration.” Therefore, no fiscal impact can be determined.

The staff applied the five-average percentage exiting prison for First Degree murder (1.23%) and Second Degree murder (5.68%) and reduced the populations by the amount each year to establish a baseline for the prison beds, *if the bill were not in effect*. Next, they applied a number equal to five times (6.14) for the five year review or three times (17.04) for the three year review the single year proportion was applied to the remaining population. This new population will remain constant until the next review period. Finally, the total beds were determined by subtracting the annual populations addressed in the bill from the populations under the current review schedule.

	First Degree Murder			Second Degree Murder			TOTAL ESTIMATED BED NEEDS
	Population Annual Reviews	Population Five Year Reviews	Estimated Bed Needs	Population Annual Reviews	Population Three Year Reviews	Estimated Bed Needs	
Starting Population	792			992			
Year.....							
2007	782	782	0	936	936	0	0
2008	772	782	10	883	936	53	63
2009	763	782	19	833	936	103	122
2010	754	782	28	786	776	-10	18
2011	745	782	37	741	776	35	72
2012	736	734	-2	699	776	77	75

Source: Department of Correction, Office of Research & Planning

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

TECHNICAL CONSIDERATIONS: None

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