

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: Senate Bill 60 (First Edition)

SHORT TITLE: DMV Temporary Locations.

SPONSOR(S): Senator Goss

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available ()		
	<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	Minimal impact anticipated; amount cannot be determined.				
Judicial					
DMV	No fiscal impact anticipated.				
TOTAL EXPENDITURES:					
ADDITIONAL PRISON BEDS: (cumulative)*	None anticipated.				
POSITIONS: (cumulative)	None anticipated.				
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Correction; Judicial Branch; Local Government; Division of Motor Vehicles.					
EFFECTIVE DATE: When it becomes law.					
<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 is tracking the cumulative effect of all criminal penalty bills on the prison system as well as the Judicial Department.</i>					

BILL SUMMARY: Enacts GS 20-63 (h2) to require that when the only agency location in a county is closed, the Division of Motor Vehicles must immediately designate a new location for issuing vehicle plates, registration, and certificates of title. Also requires that the new location's

address and phone number be posted at the old location for at least 30 days, and makes failure of a former contract agent to allow this posting a Class 3 misdemeanor.

Source: Bill Digest S.B. 60 (02/05/0200)

ASSUMPTIONS AND METHODOLOGY:

Division of Motor Vehicles

There will be no fiscal impact to DMV for posting the address and phone number of the closest vehicle registration office when a state-operated office closes. Additionally, DMV will require the contract agents to post the pertinent information about the designated office when a contract office closes.

General

Because the proposed offense is new, there is no historical data from which to project the incidence of future violation. However, given the limited pool of potential offenders, nature of the offense and applicable penalty level (Class 3 misdemeanor); Fiscal Research does not assume that a significant number of new charges and/or convictions will result. Consequently, *any resultant fiscal impact for the Courts, Corrections, and/or local government should prove minimal.*

Department of Correction

Since Class 3 misdemeanants serve their designated terms of incarceration within local jails, there is no anticipated impact on the state prison population.¹ The potential impact on local jail populations is unknown.

In FY 2005-06, 23% of Class 3 misdemeanor convictions resulted in active sentences, with an average estimated time served of 8.5 days. Per Structured Sentencing, Class 3 active sentences may range from one to twenty days in length. Consequently, the Department of Correction would not incur any additional costs for county reimbursement.

The remaining 77% of Class 3 misdemeanants in FY 2005-06 received non-active, intermediate or community punishments. Thus, if new convictions were to occur, the Division of Community Corrections (DCC) could incur some additional costs for offenders placed under its supervision.

- Presently, general supervision of intermediate and community offenders by a probation officer costs DCC \$1.96 per offender, per day; no cost is assumed for those receiving unsupervised probation, or who are ordered only to pay fines, fees, or restitution. DCC also incurs a daily cost of \$0.69 per offender sentenced to the Community Service Work Program.
- The daily cost per offender on intermediate sanction is much higher, ranging from \$7.71 to \$14.97 depending on the type of sanction.
- Intensive supervision probation is the most frequently used intermediate sanction, and costs an estimated \$14.97 per offender, per day; on average, intensive supervision lasts six-months, with general supervision assumed for a designated period thereafter.

Judicial Branch

¹ Active sentences between 1-90 days are served in local jails. The Department of Correction reimburses counties \$18 per day for offenders housed longer than 30 days (between 30 and 90). Sentences longer than 90 days are to be served in state prison; however, when bed shortages demand it, the State may lease needed beds from counties.

There is no historical data from which to estimate the number of new Class 3 misdemeanor charges that might result. However, the Administrative Office of the Courts expects that any additional case will increase court-time requirements and the associated costs of case disposal.

Presently the estimated costs per Class 3 misdemeanor trial and plea are \$2,770 and \$226, respectively. These cost estimates account for indigent defense. However, actual costs may vary with time requirements and disposition. *Given the proposed penalty level, it is assumed that the majority of any new Class 3 misdemeanor charges, which are not dismissed, will be settled via guilty plea.*

SOURCES OF DATA: Department of Correction; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission; Department of Transportation, Division of Motor Vehicles.

TECHNICAL CONSIDERATIONS: None

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