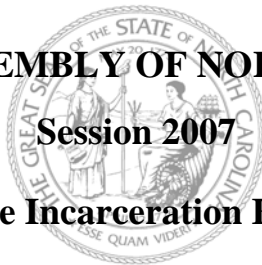


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: Senate Bill 473 (Fifth Edition)

SHORT TITLE: Stanly/No Hunting on Private Property.

SPONSOR(S): Senator Purcell

	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>
<b>GENERAL FUND</b>					
Correction					
Judicial					
Local Govt.					
<b>TOTAL EXPENDITURES:</b>					
	Amount cannot be determined.				
<b>ADDITIONAL PRISON BEDS:</b> (cumulative)*					
	None anticipated. Jail impact is indeterminate.				
<b>POSITIONS:</b> (cumulative)					
	None.				
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b>	Department of Correction; Judicial Branch; Local Government.				
<b>EFFECTIVE DATE:</b>	October 1, 2007. Sections 1 through 4 apply only to Caswell, Johnston, and Stanly Counties.				
	<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:** Requires hunters on private property in Stanly County to carry with them written permission from the landowner or lessee, signed and dated for the current hunting season. The written permission is not valid for more than one year. Also makes it illegal to hunt on another person's land while under the influence of an impairing substance. Violation of the act is a Class 2 misdemeanor offense, and any person convicted must be ordered to complete a hunter safety course. The act is enforceable by Wildlife Resources Commission enforcement officers, by sheriffs

and deputy sheriffs, and by peace officers. Applies only to Stanly County. Effective for offenses committed on or after October 1, 2007.

*\* Senate committee substitute makes the following changes to the first edition: 1) also prohibits fishing on another's property in Stanly County without written permission; and 2) rewrites the title to match the contents of the bill.*

*\* Senate amendment makes the following change to the second edition: makes the bill also applicable to Johnston County.*

*\* House committee substitute makes the following change to the third edition: deletes the provision allowing the presiding judge to order a convicted violator to take a hunter safety course.*

*\* House committee substitute makes the following changes to the fourth edition: 1) prohibits a person with an alcohol concentration of 0.08 or more from hunting on another's land and defines "under the influence of an impairing substance;" 2) adds Caswell County to the bill; 3) provides that the sections pertaining to obtaining written permission for hunting or fishing on another's land and the applicable violation and enforcement provisions apply to Orange County; and, 4) makes a conforming change to SL 2005-264, Section 4. Also makes technical changes.*

Source: Bill Digest S.B. 473 (03/01/0200).

## **ASSUMPTIONS AND METHODOLOGY:**

### **General**

Given current resources, any new charge or conviction for the proposed offenses will generate some additional fiscal impact. However, *the nature of these offenses, proposed penalty level, and limited applicability do not suggest a significant fiscal impact.* The exact number of future charges and convictions is indeterminate.

### **Department of Correction**

Because Class 2 misdemeanants serve their designated terms of incarceration within local jails, the proposed offenses are not expected to impact the state's prison population.<sup>1</sup> The potential impact on local jail populations is unknown.

In FY 2005-06, 17% of Class 2 misdemeanor convictions resulted in active sentences, with an average estimated time served of 13 days. However, per Structured Sentencing, Class 2 misdemeanor active sentences may range from 1 to 60 days (depending on one's prior record level). Thus, to the extent that future convictions for the proposed offense were to result in active sentences longer than 30 days, the Department of Correction could incur some additional costs for county reimbursement. But given the typical length for Class 2 active sentences, Fiscal Research does not anticipate a significant increase in reimbursements due to this proposal.

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<sup>1</sup> 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.

## **Department of Correction: Division of Community Corrections**

In FY 2005-06, 83% of Class 2 misdemeanor convictions resulted in either intermediate or community punishments, predominantly special, intensive, or general supervision probation. Accordingly, *if future convictions for the proposed offenses occur, the Division of Community Corrections (DCC) could assume some additional costs for offenders placed under its supervision.* However, it is not known how many offenders would be sentenced to intermediate or community punishments, to which type, or for how long.

- 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**

Because the proposed offenses are new, there is no data from which to estimate the number of charges that might occur. Nevertheless, the Administrative Office of the Courts expects that any additional case will increase court-time requirements and the associated costs of case disposal. Specifically, the AOC anticipates increased workload for district attorneys, district court judges, clerks, court reporters, and indigent defense counsel. Presently, the estimated court-time costs per Class 2 misdemeanor trial and plea are \$2,770 and \$230, respectively. These cost estimates account for indigent defense. Actual costs may vary with time requirements and disposition.

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

**TECHNICAL CONSIDERATIONS:** None

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Fiscal Research Division

**DATE:** July 18, 2007



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