

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**Session 2015**

**Legislative Fiscal Note**

**BILL NUMBER:** House Bill 615 (First Edition)

**SHORT TITLE:** Probation Violation Court Costs.

**SPONSOR(S):** Representative McNeill

<b>FISCAL IMPACT</b>					
(\$ in millions)					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Estimate Available					
<b>State Impact</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>
General Fund Revenues:	\$2.5	\$2.5	\$2.5	\$2.5	\$2.5
General Fund Expenditures:					
State Positions:					
<b>NET STATE IMPACT</b>	<b>\$2.5</b>	<b>\$2.5</b>	<b>\$2.5</b>	<b>\$2.5</b>	<b>\$2.5</b>
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b>					
The Administrative Office of the Courts					
<b>EFFECTIVE DATE:</b> July 1, 2015					
<b>TECHNICAL CONSIDERATIONS:</b>					
Yes - See Technical Considerations Section					

**FISCAL SUMMARY:**

Fiscal Research Division estimates the potential annual revenues from this bill to be \$2,463,175 assuming that each probation violation offender will receive one hearing for multiple charges. In a typical criminal case, criminal court costs are assessed once for the case, not on a per-charge basis. This allegedly non-compliant population may not have a high collection and compliance rate for this new cost item. Those defendants whose probation is ultimately revoked and who begin to serve an active sentence will likely not have the resources to pay the new \$50 fee.

**BILL SUMMARY:**

Section 1 of this bill creates a new section within Article 28 of Chapter 7A, G.S. 7A-304.1, Costs for probation violations, that requires probationers to be assessed \$50 of court costs whenever a hearing is held pursuant to probation violations under G.S. 15A-1344 or G.S. 15A-1345. No probationer is to be assessed more than one \$50 fee for the same probation violation. The court costs assessed under this section shall be remitted to the State Treasurer and the General Court of Justice.

Sections 2 and 3 of this bill make conforming changes to G.S. 15A-1344 and G.S. 15A-1345, respectively.

This bill has an effective date of July 1, 2015 and applies to probation violations occurring on or after that date.

**ASSUMPTIONS AND METHODOLOGY:**

The Administrative Office of the Courts (AOC) can provide data showing how many charges were filed for probation violations under G.S. 15A-1344 and G.S. 15A-1345 and how many defendants were charged, but AOC cannot provide information showing how many hearings were held on these charges. If the \$50 per hearing court cost was applied to the available data in Table 1, this total will overcount the results because multiple charges against the same defendant are often consolidated into one hearing. Assuming that each defendant will have at least one hearing will fall much closer to the actual number. Therefore, Fiscal Research Division estimates the potential annual revenues from this bill to be \$2,463,175 (\$28,275 for 766 defendants under G.S. 15A-1344 plus \$2,424,900 for 48,498 defendants under G.S. 15A-1345).

Fiscal Year	G.S. 15A-1344		G.S. 15A-1345	
	Defendants	Charges	Defendants	Charges
2010-11	930	1,022	57,319	85,433
2011-12	977	1,089	55,556	81,538
2012-13	605	659	49,074	67,741
2013-14	550	607	32,043	42,319
<b>Total</b>	<b>3,062</b>	<b>3,377</b>	<b>193,992</b>	<b>277,031</b>
Average Per Year	766	844	48,498	69,258
Possible Revenues	\$38,275		\$2,424,900	

To implement this bill, AOC will need to modify two software systems, which are the automated bill of costs function in CCIS-CC (Criminal Court Information System – Clerks Component) and FMS (the court accounts receivable system). AOC will also need to modify the paper bill of cost forms and multiple court costs tables/lists used by court officials. The exact cost cannot be determined at this time.

**SOURCES OF DATA:** Administrative Office of the Courts.

**TECHNICAL CONSIDERATIONS:**

Upon disposition in a typical criminal case, criminal court costs are assessed once for the case, not on a per-charge basis. This allegedly non-compliant population may not have a high collection and compliance rate for this new cost item. Those defendants whose probation is ultimately revoked and who begin to serve an active sentence will likely not have outside income opportunities to pay the new \$50 fee.

The bill is not clear if this new cost would be applied to a preliminary (probable cause) hearing held under G.S. 15A-1345(c) or to an actual violation hearing only. If no probable cause is found and the case does not proceed to a full violation hearing, it is unclear if the costs would need to be assessed. Because this new cost will be assessed during a court transaction where no other existing costs are assessed, this will require an additional bill of costs and receipting process for the clerk of superior court.

The current effective date of July 1, 2015 does not leave AOC's technology staff enough time to design, program, test, and implement these changes in each of the necessary computer systems. An effective date to December 1, 2015 would provide AOC time to make the computer and form changes and to educate court officials on the new cost item at the annual training conferences held in the summer and fall.

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**APPROVED BY:**

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**Fiscal Research Division**

**DATE:** April 22, 2015



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