

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 498

SHORT TITLE: Juv. Sup. Ct. Transfer Change

SPONSOR(S): Representatives Hensley, B. Miller (Co-sponsor)

FISCAL IMPACT: Expenditures: Increase ( ) Decrease (X)  
Revenues: Increase ( ) Decrease ( )  
No Impact ( )  
No Estimate Available ( )

FUND AFFECTED: General Fund (X) Highway Fund ( ) Local Fund ( )  
Other Fund ( )

BILL SUMMARY: Amends G.S. 7A-608 to provide that the court may order a juvenile being transferred to superior court for trial as an adult to be held either in local jail or State prison facility.

EFFECTIVE DATE: October 1, 1993; applicable to orders in cases adjudicating acts committed on or after that date.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department;  
Department of Correction; Local Jails

FISCAL IMPACT

	<u>FY</u> 93-94	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98
EXPENDITURES					
RECURRING	Dollar Amount Undetermined				
NON-RECURRING					
REVENUES/RECEIPTS	0	0	0	0	0
RECURRING					
NON-RECURRING					

POSITIONS: No new positions

ASSUMPTIONS AND METHODOLOGY: Based on information obtained in a telephone interview with the Juvenile Services Division of the Administrative Office of the Courts, it is not anticipated that this bill would have a fiscal impact on the Judicial Branch. The proposed is perceived by Juvenile Services to have no effect on their division, as it pertains primarily to where juveniles are housed prior to trial once (if at all) they are bound over to Superior Court. This should not affect court functions in any appreciable manner.

This bill could possibly affect transportation by sheriff's departments, and beds utilized in the Department of Correction, for bound-over juveniles in cases where the presiding judge elects to exercise his or her discretion and order placement of the juvenile in "either the jail of the county in which the alleged offense occurred or with the Department of Correction."

The Juvenile Services Division reports the number of bound-over juveniles for the proceeding three years as follows:

<u>Year</u>	<u>No. of Juveniles</u>
1990	54
1991	77
1992	83

Neither the Division nor the Administrative Office of the Courts has an estimate of how often a presiding judge would exercise the specified discretion in regards to the pretrial confinement of the juvenile offenders. Thus, it is impossible to accurately predict the fiscal impact of the proposed legislation in dollars. It is, however, reasonable to suggest that overall required expenditures may decrease. This assumption is based on the following facts.

First, juveniles who are currently being transferred to superior court for trial are being housed in juvenile detention centers. It is estimated by the manager of the Juvenile Detention Section (Division of Youth Services) that the projected average cost (FY 92-93) per juvenile, per day is \$95.98. The average cost to house an offender within a local jail is \$28 to \$32 per day in most counties. For the Department of Correction, the average cost to house a "safekeeper" inmate (i.e., a defendant awaiting trial) is approximately \$68.28 based on close custody confinement. Hence, the proposed legislation is likely to result in a decrease of expenditure in general fund dollars and a possible increase of expenditure for local jail facilities. The overall net impact of this bill is expected to be a decrease in expenditure since both jail and prison confinement is less expensive than confinement at a juvenile detention center. The extent to which savings are realized will depend upon the discretionary decisions made by judges across the State.

**SOURCES OF DATA:** Administrative Office of the Courts -Juvenile Services Division; Department of Correction - Research and Planning; County Commissioners Association.

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION**

733-4910

**PREPARED BY:** Brenda S. Beerman  
Carolyn H. Wyland

**APPROVED BY:** Tom Covington **TOMC**

**DATE:** 02-May-93

[FRD#003]



Signed Copy Located in the NCGA Principal Clerk's Offices