

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 823

SHORT TITLE: Wake Gun Safety

SPONSOR(S): Representative Hensley (By Request)

FISCAL IMPACT:

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

FUND AFFECTED:

General Fund ()	Highway Fund ()	Local Fund ()
Other Fund ()		

BILL SUMMARY: Makes it a misdemeanor, in Wake County, to possess or have immediately accessible a loaded firearm when under the influence of an impairing substance. Makes violation punishable by a fine up to \$500, imprisonment up to 60 days, or both.

EFFECTIVE DATE: October 1, 1993.

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

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	0	0	0	0	0
NON-RECURRING					
REVENUES/RECEIPTS	0	0	0	0	0
RECURRING					
NON-RECURRING					

POSITIONS: No new positions

ASSUMPTIONS AND METHODOLOGY: It is not anticipated that this bill would have a substantial fiscal impact on the Judicial Department or the Department of Correction. The Administrative Office of the Courts (AOC) estimates that there would be very few new district court filings in Wake County as a result of this bill.

While there is no actual data available to confidently estimate the number of possible, new misdemeanor filings, the AOC notes that "it is most likely that an individual would be charged with this offense after having already come into contact with the criminal justice system and having been charged with some other offense such as DWI, domestic violence, or assault." The AOC notes that this bill is "likely to result in an additional misdemeanor

charge against a defendant... and may strengthen the case against the defendant but will probably not change the nature of proceedings."

SOURCES OF DATA: Administrative Office of the Courts

TECHNICAL CONSIDERATIONS: As noted by the AOC:

"It is not clear how the phrase 'in one's possession or immediately accessible to one's person' should be interpreted. For example, is the bill intended to make it a misdemeanor for an adult to be 'under the influence of' alcohol in the home with a loaded firearm anywhere on the premises? In addition to the possibility of a constitutional, privacy-related challenge, such a broad interpretation could conceivably have fiscal implications."

FISCAL RESEARCH DIVISION

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