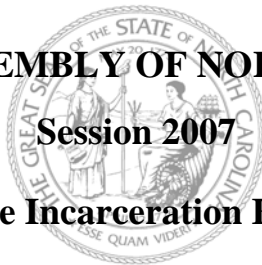


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: House Bill 253 (First Edition)
SHORT TITLE: Ban Mobile Phone Use on School Buses.
SPONSOR(S): Representatives Lucas, Coates, Bell, and Carney

FISCAL IMPACT table with columns for years FY 2007-08 to FY 2011-12 and rows for GENERAL FUND (Correction, Judicial), ADDITIONAL PRISON BEDS, POSITIONS, and PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED.

**BILL SUMMARY:** Enacts new GS 20-140.6 making it a Class 1 misdemeanor punishable by a fine of not less than \$100 for an individual to engage in a call on a mobile phone while operating a public or private school bus that is in motion at the time of the call. Provides exceptions if the use of the mobile telephone is solely for the purpose of communicating with emergency, medical, fire, or law enforcement personnel regarding an emergency situation. The statute does not authorize seizure or forfeiture of a mobile phone. Prohibits local governments from passing any ordinance regulating mobile phone use. Provides definitions section to clarify meaning of terms used in the statute. Effective for offenses committed on or after December 1, 2007.

**ASSUMPTIONS AND METHODOLOGY:**

**General**

Given the proposed enhancement, any new misdemeanor charge or conviction would generate some additional fiscal impact. The Administrative Office of the Courts currently does not have a specific offense code for this new violation, indicating that such offense is infrequently charged and/or infrequently results in conviction. Thus, *Fiscal Research does not anticipate a significant fiscal impact.*

**Department of Correction – Division of Community Corrections**

G.S. 20-140.6 would make it illegal for a person to operate a public or private school bus or a public activity bus upon a public street or highway while using a mobile telephone to engage in a call while the vehicle is in motion. There is an exception for calls regarding an emergency situation. Violation of this proposal would result in a Class 1 misdemeanor charge and a penalty fine of no less than \$100.

Since the proposed bill creates a new violation, the Sentencing Commission does not have any historical data from which to estimate the impact of this bill on the prison population. It is not known how many offenders might be sentenced under the proposed bill. However, Class 1 misdemeanants do not typically serve prison time.

In FY 2005/06, 20% of Class 1 misdemeanor convictions resulted in active sentences. The average estimated time served for Class 1 misdemeanor convictions was 31 days. Offenders serving active sentences of 90 days or less are housed in county jails. Therefore, convictions for this proposed offense would not be expected to have an impact on the prison population. The bill includes a \$100 fine minimum for each violation. In addition to a fine, violators could also be subject to any of the consequences outlined in the sentencing grid for Class 1 Misdemeanor violations.

**Judicial Branch**

The Administrative Office of the Courts provides Fiscal Research with a fiscal impact analysis for most criminal penalty bills. For such bills, fiscal impact is typically based on the assumption that court time will increase due to anticipated increases in trials and corresponding increases in workload for judges, clerks, and prosecutors. Since the proposed bill creates a new violation, the Administrative Office of the Courts does not have any data from which to estimate the impact of this bill on the Judicial Branch. There are no estimates on the number of school bus drivers (approximately 14,051

statewide) who could be charged with this new violation and if charged, the number who would contest the violation or severity of the fine. For these reasons the Administrative Office of the Courts expects an increase in court time as a result of the implementation of H 183.

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

**TECHNICAL CONSIDERATIONS:** None

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**DATE:** April 13, 2007



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