

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 812

SHORT TITLE: Fire Misdemeanors Re-enacted

SPONSOR(S): Representative Brawley

FISCAL IMPACT:	Expenditures:	Increase ( )	Decrease ( )
	Revenues:	Increase ( )	Decrease ( )
	No Impact (x)		

**BILL SUMMARY:** "TO RE-ENACT, WITH MODIFICATIONS, CERTAIN MISDEMEANORS RELATING TO FIRES." Adds new G.S. 14-138.1 making it a Class 3 misdemeanor (punishable by fine of \$10 to \$50 or by imprisonment of up to 30 days) to start any fire on any grassland, brushland, or woodland (including timer and cutover land and second growth stands on areas that were cultivated) without fully extinguishing the same. Adds new GS 14-150.1 making it a Class 3 misdemeanor (punishable as above) to burn any brush, grass, or other material in manner that may endanger or destroy property without keeping and maintaining a careful watchman in charge of burning. Fire escaping from brush, grass, or other material while burning is prima facie evidence of violation. Effective December 1, 1995.

AMENDMENTS/COMMITTEE SUBSTITUTES-APRIL 20, 1995 -DAILY BULLETIN #50 Intro. 4/11/95. House action amends 1st edition. Changes effective date of ratification.

AMENDMENTS/COMMITTEE SUBSTITUTES-APRIL 26, 1995 -DAILY BULLETIN #53 Intro. 4/11/95. House action amends 1st edition to provide that the act is effective upon ratification.

**EFFECTIVE DATE:** Upon ratification.

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

FISCAL IMPACT

<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98	<u>FY</u> 98-99
<u>FY</u> 99-00			

**EXPENDITURES**  
NON-RECURRING

**RECURRING NO FISCAL IMPACT**

**ASSUMPTIONS AND METHODOLOGY:**

Under current law, persons committing an offense contained within the proposed legislation may be charged under the following statutory provisions:

G.S. 14-127 - injury to trees, crops, land, etc. of another;

G.S. 14-128 - setting fire to grass and brushland and woodlands; or

G.S. 14-136 - willfully or negligently setting fire to woods and fields.

Given that legal remedies are already available with regards to these offenses, the Administrative Office of the Courts would not expect new defendants to enter the court system as a result of the proposed legislation.

**SOURCES OF DATA:** Administrative Office of the Courts (AOC Court Information System); North Carolina Sentencing and Policy Advisory Commission

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION (733-4910)**

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**APPROVED BY:** Tom Covington **TomC**

**DATE:** June 7, 1995

**[FRD#003]**



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