

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE (INCARCERATION NOTE G.S. 120-36.7)**

**BILL NUMBER:** HB 1261  
**SHORT TITLE:** Law Officer/Search Probationer or Parolee  
**SPONSOR(S):** Representative Goodwin

<b>FISCAL IMPACT</b>					
Yes ( )	No ( )	<u>No Estimate Available (X)</u>			
(In millions)					
	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>
<b>GENERAL FUND</b>					
<b>Correction</b>					
Recurring		No estimate available			
Nonrecurring					
<b>Judicial</b>					
Recurring		No estimate available			
Nonrecurring					
<b>TOTAL EXPENDITURES</b>	_____	_____	_____	_____	_____
<b>POSITIONS:</b>	None				
<b>PRINCIPAL DEPARTMENT (S) &amp; PROGRAM (S) AFFECTED:</b>	Dept. of Correction; Judicial Branch				
<b>EFFECTIVE DATE:</b>	When bill becomes law				

**BILL SUMMARY:** Amends G.S.15A-1343(b1)(7) to expand authority for warrantless searches to include law enforcement officers (now includes probation officers, who are authorized to make person, premise and vehicle searches when reasonably related to probation supervision terms.

**ASSUMPTIONS AND METHODOLOGY:** Department of Correction and Judicial Department

Fiscal Research was unable to obtain reliable numbers for estimating the number of warrantless searches likely to result in arrests, convictions and active prison sentences due to this bill. However, it is likely that these new searches will increase court and law enforcement workload and create the need for more prison beds.

For example, if probation revocations and new charges of probationers increased by 5%, the Sentencing Commission estimates that 313 beds would be needed due to this bill by 2003-04. While this number is within available bed capacity, any rate higher than 5% could result in the need to build or contract for more prison beds. Similarly, the cost to the court system to hold more trials and hearings would increase. Thus, while this bill has potential significant fiscal impact, we cannot provide a reliable estimate.

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

**TECHNICAL CONSIDERATIONS:**

**FISCAL RESEARCH DIVISION 733-4910**

**PREPARED BY:** Jim Mills

**APPROVED BY:** Tom Covington

**DATE:** Tuesday, April 27, 1999



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