

**NORTH CAROLINA GENERAL ASSEMBLY  
LEGISLATIVE FISCAL NOTE  
(INCARCERATION NOTE G.S. 120-36.7)**

**BILL NUMBER:** House Bill 1373 (First Edition)  
**SHORT TITLE:** Increase Penalty-Transit Operator Assault.  
**SPONSOR(S):** Representative Saunders

	<b>FISCAL IMPACT</b>				
	Yes (X)	No ( )	No Estimate Available ( )		
	<u>FY 2004-05</u>	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>
<b>GENERAL FUND</b>					
<b>Correction</b>					<b>No Fiscal Impact on Correction</b>
<b>Recurring</b>					
<b>Nonrecurring</b>					
<b>Judicial</b>					<b>Fiscal Impact Cannot be Determined</b>
<b>Recurring</b>					
<b>Nonrecurring</b>					
<b>TOTAL</b>					
<b>EXPENDITURES:</b>					
<b>ADDITIONAL PRISON BEDS*</b>					<b>Cost and Bed Impact Possible for County Jails</b>
<b>POSITIONS:</b>					<b>Cannot be Determined</b>
<b>(cumulative)</b>					
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b>	Department of Correction; Judicial Branch				
<b>EFFECTIVE DATE:</b>					
<i>*This fiscal analysis is independent of the impact of other criminal penalty bills being considered by the General Assembly, which could also increase the projected prison population and, thus, the availability of prison beds in future years. The Fiscal Research Division is tracking the cumulative effect of all criminal penalty bills on the prison system, as well as the Judicial Department.</i>					

**BILL SUMMARY:** G.S. 14-33 (c) states that anyone who commits certain assaults on public employees is guilty of Class A1 Misdemeanors. This bill amends Section (c) to make assault on on public transit operators or private contractors employed by public entities a Class A1 Misdemeanor. Under current law, assault on a private transit operator employed by a public organization is likely to be charged as a lower level misdemeanor, a Class 2.

**ASSUMPTIONS AND METHODOLOGY:**

**Department of Correction**

HB 1373 is likely to increase costs to County Jails. There will be no impact on prison beds or costs.

Class 2 misdemeanants cannot be given active time unless they have committed five or more offenses. A1 misdemeanants can receive active sentences at any prior record level. In practice, 22% of Class A1 convictions resulted in active sentences with an average sentence of 53 days. Forty per cent of Class A1 offenders that assault public employees receive active time. However, offenders serving 90 days or less are housed in county jails, not DOC prisons.

By adding private transit contractors employed by public organizations to G.S. 14-33, it increases the potential of more A1 assaults and more offenders to be sentenced to county jails. However, there is no clear source of information or count of the number of private transit operators employed by public organizations. Nor is there accurate information on number of assaults on private transit operators. Therefore, we cannot determine the cost.

**Judicial Branch**

For most criminal penalty bills, the Administrative Office of the Courts provides Fiscal Research with an analysis of the fiscal impact of the specific bill. For these bills, fiscal impact is typically based on the assumption that court time will increase due to an expected increase in trials and a corresponding increase in the hours of work for judges, clerks and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

The fiscal impact of HB 1373 cannot be determined but there will be increased court time and costs because of the increase in penalty.

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

**TECHNICAL CONSIDERATIONS:** It should be noted that this bill also adds purely public employee transit operators to G.S. 14-33. These employees may already be covered under G.S. 14-33 (c) (4), A1 assault on public employees. But, there is no additional cost to include these operators under this bill.

**FISCAL RESEARCH DIVISION: (919) 733-4910**

**PREPARED BY:** Jim Mills

**APPROVED BY:** James D. Johnson, Director  
Fiscal Research Division



**DATE:** May 26, 2004

**Signed Copy Located in the NCGA Principal Clerk's Offices**