

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

**BILL NUMBER:** House Bill 1512 (First Edition)  
**SHORT TITLE:** Amend 2nd Degree Murder/Meth Overdose.  
**SPONSOR(S):** Representatives Kiser and Haire

	<b>FISCAL IMPACT</b>				
	Yes ( )	No ( )	No Estimate Available (X)		
	<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>		* See Assumptions & Methodology *			
<b>Judicial</b>		* See Assumptions & Methodology *			
<b>TOTAL EXPENDITURES:</b>					
<b>ADDITIONAL PRISON BEDS*</b>		* See Assumptions & Methodology *			
<b>POSITIONS:</b> (cumulative)					
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Department of Correction; Judicial Branch					
<b>EFFECTIVE DATE:</b> December 1, 2004					
<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:** The bill would add methamphetamine (“meth”) to the list of controlled substances for which an overdose death can lead to a charge of second-degree murder (a B2 felony). Under current law, a person who proximately causes a death by the unlawful distribution of methamphetamine could be charged with involuntary manslaughter (a Class F felony) or perhaps some other offense.

**ASSUMPTIONS AND METHODOLOGY:**

The Medical Examiner’s Office reported three deaths due to methamphetamine overdose in 2003 and one meth-related fatal auto accident. However, many people who use methamphetamine also

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manufacture it for their own use, so we cannot determine whether another manufacturer or provider could have been charged in those deaths. Furthermore, we cannot determine whether a distributor was identified in the four cases reported by the Medical Examiner.

### **Department of Correction**

Based on the most recent population projections and estimated available prison bed capacity, *there are no surplus prison beds available for the five year Fiscal Note horizon and beyond.* That means the number of beds needed is always equal to the projected additional inmates due to a bill.

The Sentencing Commission cannot project the number of beds that might be required due to this legislation. Every Class B2 conviction would lead to one prison bed, with an average minimum sentence of 174 months, and an average cost of \$23,854 per offender in FY 2005-06.<sup>1</sup>

### **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.

Based on survey results from AOC, for every four second-degree murder (Class B2) charges under this bill there would be, on average, two trials and one plea to a lesser offense. If offenders are now charged under involuntary manslaughter (Class F), the AOC anticipates that the increase in penalty would increase the jury trial rate and court time for such cases. For example, the difference between the cost of a *guilty plea* for a Class F felony and a *jury trial* for a Class B2 felony is \$13,000.

**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: (919) 733-4910**

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Fiscal Research Division

**DATE:** June 22, 2004



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

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<sup>1</sup> Operating costs are based on actual 2002-03 costs for each custody level as provided by the Department of Correction. These costs include security, inmate programs, inmate costs (food, medical etc.) and administrative overhead costs for the Department and the Division of Prisons. A 3% annual inflation rate is added each year.  
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