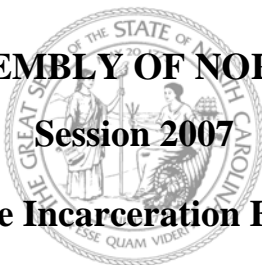


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: Senate Bill 924 (Second Edition)
SHORT TITLE: School Bus Safety Act Correction.
SPONSOR(S): Senator Brunstetter

Table with columns: FISCAL IMPACT, Yes (X), No (), No Estimate Available (), FY 2007-08, FY 2008-09, FY 2009-10, FY 2010-11, FY 2011-12. Rows include: GENERAL FUND, Correction Recurring, Judicial Recurring, TOTAL EXPENDITURES, ADDITIONAL PRISON BEDS, POSITIONS, PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED, EFFECTIVE DATE, and a footnote.

BILL SUMMARY:

S 924. SCHOOL BUS SAFETY ACT CORRECTION. Filed 3/19/07.

This 1st edition of this bill amends GS 20-217 to make it a Class I felony to strike a person (was, strike a person and cause serious bodily injury to that person) while passing a stopped school bus that is displaying either a mechanical stop signal or flashing red lights, and is receiving or discharging passengers. It also mends GS 20-4.01(d4), deleting the requirement that a vehicle bear the words “School Bus” in letters at least 8 inches high to qualify as a school bus for the purposes of GS Chapter 20. As amended, the definition specifies that a school bus has the words “School Bus” on the front and the rear.

The 2nd edition makes the following changes to 1st edition.

- Corrects the statutory citation of the section being amended to GS 20-4.01(27)d4
- Modifies the proposed amendment by adding the requirements that the words “School Bus” be plainly visible on the front of a school bus and that the bus be painted primarily yellow below the roofline.
- The requirement that the bus be painted yellow is effective only for school buses acquired on or after August 1, 2007

Source: Bill Digest S.B. 924 (03/19/0200).

ASSUMPTIONS AND METHODOLOGY:

General

The Sentencing and Policy Advisory Commission prepares prison population projections for each bill containing a criminal penalty. The Commission assumes for such bills that expanding existing, or creating new criminal offenses produces no deterrent or incapacitative effect on crime. Therefore, the Fiscal Research Division does not assume deterrent effects for any criminal penalty bill.

Department of Correction – Division of Prisons

In FY 2005/06, 15% of Class I felony convictions resulted in active sentences, with an average estimated time served of 7 months. Implementation of this bill will increase the pool of convicted offenders that could be sentenced to active time, but the number should not be significant.

Department of Correction – Division of Community Corrections

For felony offense classes E through I and all misdemeanor classes, offenders may be given non-active (intermediate or community) sentences exclusively, or in conjunction with imprisonment (split-sentence). In FY 2005/06, 85% of Class I felony convictions resulted in non active sentences. It is assumed that most offenders convicted and sentenced under to the contents in this bill will be sentenced to non active sentences that would require DCC supervision. Intermediate sanctions include intensive supervision probation, special probation, house arrest with electronic monitoring, day reporting center, residential treatment facility, and drug treatment court.

Community sanctions include supervised probation, unsupervised probation, community service, fines, and restitution.

General supervision of intermediate and community offenders by a probation officer costs DCC \$1.96 per offender, per day; no cost is assumed for those receiving unsupervised probation, or who are ordered only to pay fines, fees, or restitution. The daily cost per offender on intermediate sanction ranges from \$7.71 to \$14.97, depending upon sanction type. Thus, assuming intensive supervision probation – the most frequently used intermediate sanction – the estimated daily cost per intermediate offender is \$14.97 for the initial six-month intensive duration, and \$1.96 for general supervision each day thereafter. Total costs to DCC are based on average supervision length and the percentage of offenders (per offense class) sentenced to intermediate sanctions and supervised probations.

Offenders supervised by DCC are required to pay a \$30 supervision fee monthly, while those serving community service pay a one-time fee of \$200. Offenders on house arrest with electronic monitoring must also pay a one-time \$90 fee. These fees are collected by the Court System and are credited to the General Fund. Conversely, sex offenders who must submit to GPS monitoring (S.L. 2006-247) pay a one-time fee of \$90, which is credited to the Department of Correction. Overall, the collection rate for FY 2005-06 was 66%.

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. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

This bill expands the felony offense of unlawfully passing a school bus by deleting the requirement that serious bodily injury be caused, thus expanding the opportunities for violating this statute.

Under current GS 20-217(g), a person is guilty of a Class I felony if he/she willfully passes a stopped school bus and strikes any person, causing serious bodily injury to that person. This bill deletes the serious bodily injury requirement, thus substantially expanding the pool of defendants who would be subject to a felony for this offense -- defendants would be guilty of this offense even if the person who was struck suffers no injury, bodily or otherwise.

AOC data for calendar 2006 show 5 defendants charged with a passing a school bus and causing serious bodily injury under current GS 20-217(g). AOC has no data from which to estimate the number of people who were struck and suffered no injury, or the number of new felony charges that would occur as a result of this bill.

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

TECHNICAL CONSIDERATIONS: None

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DATE: May 17, 2007



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