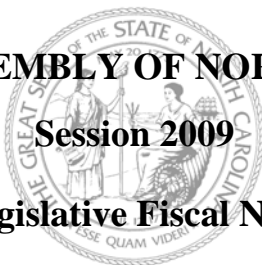


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

Legislative Fiscal Note

BILL NUMBER: House Bill 786 (First Edition)

SHORT TITLE: Office of Prosecution Services.

SPONSOR(S): Representative Faison

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available (X)		
	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>
EXPENDITURES:					
Judicial Branch					
Recurring	\$454,300+	\$454,300+	\$454,300+	\$454,300+	\$454,300+
POSITIONS					
(cumulative):	5+	5+	5+	5+	5+
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Judicial Branch, NC Conference of District Attorneys					
EFFECTIVE DATE: July 1, 2009					

BILL SUMMARY:

This bill would establish the Office of Prosecution Services and the Commission of Prosecution Services within the Judicial Branch. Programmatic and budget oversight for District Attorneys would be transferred from the Administrative Office of the Courts (AOC) to the Prosecution Services. General administrative support would still be provided by the AOC. This bill is substantially identical to Senate Bill 816, filed 3/24/09. Effective July 1, 2010.

ASSUMPTIONS AND METHODOLOGY:

Fiscal Research requested fiscal impact estimates from the Administrative Office of the Courts and the NC Conference of District Attorneys related to the implementation and execution of this proposed legislation. The following analysis is that which was reported to Fiscal Research by the two groups.

Administrative Office of the Courts

Staff from the Administrative Office of the Courts (AOC) reported to Fiscal Research that this bill will result in costs of at least \$454,300 annually, with some additional costs unable to be determined. They anticipate costs to occur in the following areas:

1. **Commission:** Travel and subsistence for 13 members: Based on the initial meeting schedule of the Indigent Defense Commission, AOC has assumed monthly meetings for FY 2009-10 beginning in September. Minimum costs for meetings, lunches and subsistence is estimated at \$3,330 annually. The amount for mileage reimbursement is unknown – the total will depend on the geographic location of meetings and Commission members.
2. **Director:** Upgrade Director of Conference DAs to Director of Prosecutorial Services, including judicial retirement and judicial longevity. The estimated annual cost of this change is \$39,000 plus judicial longevity (as qualified).
3. **Staff Positions:** AOC currently handles budget, technology, administration, and research expenditures related to district attorney's offices. The staff responsible for supporting the district attorneys' offices also supports other court operations and therefore could not be transferred to the new Office. Current Conference staff may not be able to absorb the administrative functions, such as budgeting, proposed under this bill. Costs would include salaries, benefits, and operating expenses.¹ For example, based on Indigent Defense staff positions, the Office would require, at minimum, a financial services officer, a business systems analyst, a technology advisor, and two accounts payable clerks. The estimated cost for those five positions is \$412,000 annually.
4. **Information Technology:** AOC currently supports equipment replacement and technology maintenance for district attorneys' offices. Additional funds or positions may be required by the new Office to support its maintenance agreements at this time.
5. **New/Increased Oversight Responsibilities:** The more rigorous oversight responsibilities may require more personnel or consultants. AOC cannot provide a cost estimate for these expenses at this time.
6. **Worthless Check Program:** The worthless check program is currently supported by information technology and program services staff within AOC. This staffs also support other programs and therefore could not be transferred along with the worthless check program to the new Office. AOC anticipates some potential costs for IT and program services staff to support the worthless check program but cannot determine these costs at this time.
7. **Transfer of Existing Funds:** Approximately \$94 million in appropriations would be transferred from AOC to the new Office for the following:
 - Positions and expenditures related to district attorneys' offices
 - Positions and expenditures currently in the Conference of DAs, to continue training functions as specified in this bill
 - Worthless check program (receipt-supported)
 It is important to note that expenditures such as equipment, supplies, replacement of state-owned vehicles, telephone and data charges are not included in the \$94 million figure.

NC Conference of District Attorneys

Staff from the NC Conference of District Attorneys reported to Fiscal Research that they do not anticipate a fiscal impact resulting from the implementation of this bill.

SOURCES OF DATA: Administrative Office of the Courts; NC Conference of District Attorneys

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

¹ May also include rent expenses if the Office of Prosecution Services is not located at the NC Judicial Center.

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DATE: April 24, 2009



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