



NORTH CAROLINA GENERAL ASSEMBLY

2023 Session

Legislative Incarceration Fiscal Note

Short Title: Firearm in Unattended Vehicle/Safely Store.
Bill Number: House Bill 53 (First Edition)
Sponsor(s): Rep. Morey, Rep. Autry, Rep. Logan, and Rep. Longest

FISCAL IMPACT SUMMARY

Criminal offenses are classified as misdemeanors (Class 3 as the lowest and Class A1 as the highest) and felonies (Class I to Class A). There are three types of legislative changes to offenses that may result in a fiscal impact to the State’s criminal justice system: creating a new offense, changing the class of an existing offense, or changing the scope of an existing offense.

This proposed legislation creates a **new Class 2 misdemeanor**. Each additional person charged under the proposed offense will have a cost to the judicial system and each additional person convicted will have a cost to the correction system. The **cost of one charge and conviction** is listed in the table below, along with the percent of cases that incur those costs at that offense level. **Because the proposed legislation would create a new offense, there is no historic charge or conviction data that would allow Fiscal Research to make projections about its fiscal impact on the criminal justice system.**

Cost of One Charge and Conviction											
Offense Class	Prosecution and Defense			Active Sentence					Suspended Sentence		
	Admin. Office of the Courts	Indigent Defense Services	Cost	DAC - Confinement			DAC - Post-Release Supervision (PRS)		DAC - Probation		
				Rate	Cost	Length (Days)	Cost	Length (Days)	Rate	Cost	Length (Mo.)
2	\$178	30%	\$237	No Cost			NA		78%	\$3,085	13

Note: Court costs reflect the average cost per disposition. Costs for active sentences, probation, and post-release supervision reflect the total cost of the sentence or supervision period. Costs to the Statewide Misdemeanant Confinement Program (SMCP) only occur for active sentences > 90 days and impaired driving.

FISCAL IMPACT OF H.B.53, V.1

	<u>FY 2023-24</u>	<u>FY 2024-25</u>	<u>FY 2025-26</u>	<u>FY 2026-27</u>	<u>FY 2027-28</u>
General Fund Revenue	-	-	-	-	-
Less Expenditures	-	-	-	-	-
General Fund Impact	No Estimate Available - Refer to Fiscal Analysis section				

FISCAL ANALYSIS

Bill Summary:

Section 1 of H. B. 53 would amend G.S. 14-269 by creating a **new Class 2 misdemeanor** for leaving an unsecured firearm, as defined by G.S. 14-408.1, in an unlocked and unattended motor vehicle. Under the proposed legislation, a firearm can be secured by either 1) using a trigger lock or similar safety device, or 2) being stored in a locked container. The new charge in the proposed legislation does not have historic charge or conviction data. As a result, Fiscal Research is unable to project how the new charge will impact the criminal justice system.

Capital Expenses

Capital costs emerge when prison bed demand exceeds capacity. Based on the most recent prison population and bed capacity projections from the Sentencing and Policy Advisory Commission (SPAC), the State will have sufficient prison beds available beyond the five-year fiscal note horizon. Therefore, Fiscal Research anticipates there will be **no additional prison capital requirements** as a result of this proposed legislation.

Operating Expenses

The following section explains the source of potential expenses for State agencies because of this proposed legislation. The table in the Fiscal Impact Summary lists the costs specific to the charge or charges included in this proposal.

Charge: Prosecution and Defense

- Administrative Office of the Courts (AOC): Adding new offenses to the criminal code may increase charges, resulting in corresponding **increases in court time and workload** for judges, clerks, and prosecutors. AOC provides FRD with an average cost based on offense level. Any new charges brought because of this proposed legislation are assumed to carry the following additional average cost to the court system.
 - **Class 2 misdemeanor charges** carry an average cost of \$178 per charge.
- Indigent Defense Services (IDS): Persons who cannot afford to hire legal counsel will be provided a public defender (PD), if available, or a private assigned counsel (PAC) attorney paid by IDS. The cost provided is the actual average cost for a PAC attorney and serves as a proxy for the additional workload cost to PD offices.
 - **Class 2 misdemeanor defendants** utilize IDS in 30% of cases at a cost of \$237 per charge.

Conviction: Active Sentence

- Department of Adult Correction – Confinement: **Active sentences for misdemeanor convictions** are served in local jails and **only incur costs** to the Statewide Misdemeanant Confinement Program (SMCP) **when the sentence exceeds 90 days, or the conviction is for impaired driving**. The average active sentence for Class 2 misdemeanor convictions is 20 days. Because the new charge in the proposed legislation doesn't meet either criterion, Fiscal Research anticipates convictions of the new charge resulting in active sentences would have no fiscal impact to the State.

Conviction: Suspended Sentence

- Department of Adult Correction – Community Corrections: Misdemeanor convictions that receive a suspended sentence result in a period of supervised probation based on the



severity of the charge and the offender's prior record. Supervision by a probation officer costs \$237.30 per offender per month.

78% of Class 2 misdemeanor convictions receive a suspended sentence with an average length of 13 months at a cost of \$3,085.

TECHNICAL CONSIDERATIONS

- Offense changes are typically effective on December 1. FRD assumes that costs incurred in the first year to the judicial and correction systems would be less than annualized costs due to lag time in charges and convictions.
- This estimate assumes that expanding existing or creating new criminal offenses produces no deterrent or incapacitative effect on crime rates. Likewise, FRD assumes no deterrent effects for any modifications to criminal penalties. The estimates in this Incarceration Note make no assumptions about the larger impact on crime rates or costs to society or the State.
- This estimate makes no prediction regarding the likelihood that a prosecutor will charge an offense based on any proposed increases or decreases to the offense class level. This estimate also does not attempt to predict the impact of offense class changes on plea negotiations. FRD assumes the proposed offense class is charged and convicted at the same rate as the prior level.

DATA SOURCES

Department of Public Safety; Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission; Office of Indigent Defense Services.

LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS

This document is an official fiscal analysis prepared pursuant to Chapter 120 of the General Statutes and rules adopted by the Senate and House of Representatives. The estimates in this analysis are based on the data, assumptions, and methodology described in the Fiscal Analysis section of this document. This document only addresses sections of the bill that have projected direct fiscal impacts on State or local governments and does not address sections that have no projected fiscal impacts.

CONTACT INFORMATION

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