

FISCAL NOTE TRANSMITTAL FORM

The attached fiscal note on the bill(s) named above is being transmitted to:

BILL NUMBER: HB 217 (Proposed Senate Comm. Substitute) H 217 PCS-RM

SHORT TITLE: New Criminal Offense/Stalking

SPONSOR(S): Committee Substitute

Chief Sponsor, House
Chief Sponsor, Senate
Fiscal Note Requested By

Chairman of the House Committee on

Chairman of the House Subcommittee on

Chairman of the Senate Committee on

Chairman of the Senate Subcommittee on

Speaker of the House, Daniel T. Blue, Jr.

President Pro Tempore, Henson Barnes

Chairman of the House Base Budget Appropriations Committee

Representative David Diamont

Chairman of the House Expansion Budget Appropriations Committee

Representative Martin Nesbitt

Chairman of the Senate Appropriations Committee

Senator Marc Basnight

Chairman of the Senate Ways and Means Committee

Senator Kenneth C. Royall, Jr.

Chairman of the Senate Base Budget Committee

Senator Aaron W. Plyler

House Principal Clerks Office
Senate Principal Clerks Office

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 217 (Proposed Senate Comm. Substitute) H 217 PCS-RM

SHORT TITLE: New Criminal Offense/Stalking

SPONSOR(S): Committee Substitute

FISCAL IMPACT: Expenditures: Increase () Decrease ()
Revenues: Increase () Decrease ()
No Impact (x)
No Estimate Available ()

FUNDS AFFECTED: General Fund () Highway Fund () Local Fund ()
Other Fund ()

BILL SUMMARY: Creates the new misdemeanor crime of stalking and felony crime if convicted of stalking for second time within five years.

EFFECTIVE DATE: October 1, 1992

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial, Correction

FISCAL IMPACT

Table with 5 columns: FY 92-93, FY 93-94, FY 94-95, FY 95-96, FY 96-97. Rows include EXPENDITURES (RECURRING, NON-RECURRING), REVENUES/RECEIPTS (RECURRING, NON-RECURRING), and POSITIONS.

ASSUMPTIONS AND METHODOLOGY: The conclusion that enactment of the proposed stalking bill would have no noticeable impact on the Judicial Branch follows from an evaluation of the following two sources of potential impact: 1) the likelihood that misdemeanor and felony stalking charges would be brought in lieu of other charges was examined, and 2) the likelihood that defendants who would not have been charged under current law would now be brought into the court system was estimated. From interviews, it was determined that in the first situation, in a small number of cases, misdemeanor staking charges might be brought, rather than the less serious misdemeanor offenses changeable under current law. (Some district attorneys may charge both misdemeanor stalking and one of the other misdemeanors, and let the defendant plead to one.) In any event, these defendants are in the court system anyway, and the addition or substitution of a misdemeanor charge could not be expected to have an impact on the court system. In the opinion of the district attorneys, very few defendants now charged with misdemeanors would be charged with felony stalking instead. The district attorneys indicating they would use the felony stalking charge said that for those convicted, a majority of such charges would be reduced to misdemeanors in a plea bargain.

In terms of bringing previously uncharged people into the court system, district attorneys agreed that there would be very few new

misdemeanants. It is estimated that there will be a few new felony cases, primarily for stalking occurring in domestic relations situations when restraining orders are in effect. However, in most of these cases, charges would be reduced to misdemeanors, and guilty pleas would be entered. Therefore, any increase in workload, jury trials, or indigent defense would be negligible.

The Administrative Office of the Courts also asked district attorneys about the likely sentencing outcomes from stalking charges. There was consensus that the vast majority of defendants convicted of stalking would receive a suspended sentence and probation. One district attorney suggested that a small number of defendants convicted of felony stalking would receive a split sentence, with active sentences of 30 to 60 days. Therefore, it is estimated that the proposed legislation would have little or no impact on the prison system.

SOURCES OF DATA: A telephone survey was conducted by the Administrative Office of the Courts with six district attorneys across the state, who provided their views of what the likely changes in prosecution strategies would be. Representatives of the following six prosecutorial districts participated in this survey: Districts 3B, 8, 10, 15B, 18, and 26.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Carolyn H. Wyland

APPROVED BY: Tom Covington

DATE: June 8, 1992

[FRD#003]



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