

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 2010

SHORT TITLE: DWI-2nd Offenders

SPONSOR(S): Representatives Bowman and Culp

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

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

BILL SUMMARY: "TO REQUIRE THAT PERSONS CONVICTED OF SECOND OR SUBSEQUENT OFFENSES OF DRIVING WHILE IMPAIRED SHALL RECEIVE TREATMENT." Amends GS 20-179 to provide that certain persons convicted of second or subsequent offenses of driving while impaired (1) must be ordered to participate in a treatment program under GS 20-179(m) without first requiring any assessment or the payment of any assessment fees; and (2) if placed on supervised probation, must be ordered (after the court considers the defendants' resources, earnings, obligations, or other matters affecting ability to pay restitution) to pay restitution to the State for all or part of the cost of incarceration, treatment, and supervision on probation. Effective July 1, 1994, appropriates \$20,000 from the General Fund for 1994-95 to the Administrative Office of the Courts to implement provisions of act. Effective July 1, 1995, except as noted above.

EFFECTIVE DATE: July 1, 1995

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Branch; Department of Correction

FISCAL IMPACT

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|-------|-----------------|-----------------|-----------------|-----------------|-----------|
| | <u>FY</u> 94-95 | <u>FY</u> 95-96 | <u>FY</u> 96-97 | <u>FY</u> 97-98 | <u>FY</u> |
| 98-99 | | | | | |

EXPENDITURES No Reliable Estimate Available
POSITIONS:

ASSUMPTIONS AND METHODOLOGY: Judicial Branch

The Administrative Office of the Courts (AOC) is unable to estimate the fiscal impact of this legislation from available data. Certain impaired driving offenders who have prior convictions for impaired driving are sentenced to Level One or Level Two punishments (many

involving mandatory jail terms), since a prior conviction for impaired driving is one of four grossly aggravating factors that require such punishments. The AOC estimates that approximately 4,000 defendants charged with impaired driving may be sentenced to Level One punishments and over 6,000 defendants may be sentenced to Level Two punishments, within one year. However, the AOC has no way of knowing which of the four grossly aggravating factors the court found in order to impose these punishments. Therefore, the AOC cannot reliably estimate the number of impaired driving offenders who would be sentenced to these punishments due to their prior convictions involving impaired driving.

Thus, based on this information, no reliable fiscal impact can be determined at this time.

SOURCES OF DATA: Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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DATE: June 27, 1994

[FRD#003]



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