

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 925 (Proposed Committee Substitute)

SHORT TITLE: Attempting to Elude

SPONSOR(S): Senator Ballance

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

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

BILL SUMMARY: Senate committee substitute rewrites original bill so it now provides as follows: (1) bill's title is AN ACT TO LIMIT POLICE PURSUITS BY ESTABLISHING A PRIMA FACIE RULE OF EVIDENCE CONCERNING THE OPERATOR OF A VEHICLE SPEEDING IN EXCESS OF TWENTY-FIVE MILES AN HOUR OVER THE SPEED LIMIT TO ELUDE ARREST AND TO INCREASE THE PENALTY;" (2) adds new G.S. 20-141.5 to provide that person commits Class J felony (maximum imprisonment of three years) when operating vehicle on highway or public vehicular area in excess of 25 mph while fleeing or attempting to elude law enforcement officer who is lawfully performing duties with blue light flashing and to provide that it is a misdemeanor (maximum imprisonment of 60 days and \$100 fine) for person to knowingly authorize or permit vehicle owned or under that person's control to commit such violation; provides if evidence of violation by vehicle is presented in court or administrative hearing, it is prima facie evidence that vehicle was operated by person in whose name vehicle was registered, according to DMV records, at time of violation; (3) amends G.S. 20-141(j) to add as element of crime of speeding to elude officer that officer had blue light flashing; (4) adds proposed new G.S. 20-141.5 to mandatory driver's license revocation provisions of G.S. 20-17.

EFFECTIVE DATE: December 1, 1993.

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

FISCAL IMPACT

	<u>FY</u> 93-94	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98
EXPENDITURES	0	0	0	0	0
NON-RECURRING					
REVENUES/RECEIPTS	0	0	0	0	0

RECURRING
NON-RECURRING
POSITIONS: No new positions

ASSUMPTIONS AND METHODOLOGY: It is not anticipated that the proposed legislation would have a significant fiscal impact on the Judicial Department or the Department of Correction (DOC) as amended. By retaining rather than repealing section 2 of G.S. 20-141(j) (the current statute which makes it a misdemeanor to operate a motor vehicle in excess of 55 miles per hour and at least 15 miles per hour over the legal limit while attempting to elude arrest), the proposed committee substitute eliminates substantial estimated costs (detailed below) that could result for the Department of Correction.

Pertaining to the Judicial Department, the Administrative Office of the Courts (AOC) identifies the primary effect of the proposed legislation (for the court system) to be the handling of offenses that are currently misdemeanors and charged in district court as felonies in superior court. Based on a number of telephone interviews with district attorneys, the AOC estimates that there would be few additional trials (i.e., less than 15 statewide) and a greater number of guilty pleas to the misdemeanor offense. Upon itemizing costs for additional superior court time and preparation time for private assigned counsel, the AOC concludes that additional costs would not be significant and could be absorbed within existing resources.

Also based on the above referenced telephone interviews with district attorneys conducted by the AOC, it is estimated that few offenders covered under the proposed legislation would be found guilty of the felony offense of speeding in excess of 25 miles per hour to elude arrest. District attorneys note that a number of the new offenses, once charged, would result in a guilty plea to the lesser, misdemeanor offense of operating a vehicle in excess of 55 m.p.h. and at least 15 miles per hour over the legal limit. Assuming this practice will occur, few offenders will be convicted as Class J felons and subject to imprisonment for up to 3 years. Based on the assumption that the majority of offenders will continue to be sentenced as misdemeanants, no substantial fiscal impact is estimated for the DOC.

It is important to note that the proposed legislation could result in considerable costs if a number of defendants are charged, prosecuted, and convicted of the new felony offense. Computation performed by the N.C. Sentencing and Policy Advisory Commission estimated that if all offenders who are currently convicted of the misdemeanor eluding arrest violations were instead convicted of the felony eluding arrest proposal, 181 new beds would be required within the Division of Prisons by the end of FY 97-98. (Note that the estimated number of beds is calculated for only the percentage of offenders receiving an active sentence under the current misdemeanor eluding arrest charge.) Assuming a medium classification since all felons must be initially placed in medium security confinement, \$4,305,447 in capital or non-recurring expenditure

would be required over the next five years. Additional recurring expenditure or annual operating costs would be expected to total \$3,924,922 by FY 97-98. However, based on the information provided by district attorneys and the AOC, these costs are not expected to be realized and no substantial fiscal impact is estimated as a result of the proposed legislation.

SOURCES OF DATA: Administrative Office of the Courts; N.C. Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None.

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Brenda S. Beerman
Carolyn H. Wyland

APPROVED BY: Tom Covington **TomC**

DATE: 93

[FRD#003]



Signed Copy Located in the NCGA Principal Clerk's Offices