

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 945 (Committee Substitute)

SHORT TITLE: Use of Deadly Force Against Intruder

SPONSOR(S): Senator Kincaid

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: Adds new G.S. 14-51.1 to provide that occupant of dwelling is justified in using any degree of physical force, including deadly force, against another person who has made unlawful entry into dwelling (but not any house within curtilage of dwelling or any building not dwelling house), when occupant has reasonable belief that other person has committed crime in dwelling in addition to uninvited entry, or is committing or intends to commit crime against person or property in addition to uninvited entry, and when occupant reasonably believes that other person might use physical force, no matter how slight, against any occupant. Provides that occupant of dwelling using force permitted by section is immune from criminal prosecution for using force and civil liability for injuries or death from using force.

COMMITTEE SUBSTITUTE/AMENDMENTS: Senate committee substitute and amendments authorize a lawful occupant of a home or other place of residence to use any degree of force, including deadly force, against an intruder to prevent forcible entry into the home or residence if there is a reasonable apprehension of death or serious bodily harm to the occupant or others in the home or residence or if there is a reasonable belief that the intruder intends to commit a felony. If the intruder is inside the home or residence, a lawful occupant is justified in using any force, including deadly force, necessary to protect the occupant or others from death or serious bodily harm, or that the occupant reasonably believes is necessary to protect himself or others from bodily harm.

EFFECTIVE DATE: December 1, 1993

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

FISCAL IMPACT

FY 93-94 **FY** 94-95 **FY** 95-96 **FY** 96-97 **FY** 97-98

EXPENDITURES	0	0	0	0	0	R
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 upon the Judicial Department or the Department of Correction. Based on a analysis of the bill performed jointly by the Administrative Office of the Courts (AOC) and the Fiscal Research Division, it is estimated that a few new cases could result from home occupants using unreasonable levels of force against trespassers or other intruders in situations not authorized under the proposed legislation. However, it is assumed that any new cases that might result would be offset by fewer cases involving home occupants who under the current statutes are charged with assault related crimes against intruders. Data provided by the State Bureau of Investigation and the AOC indicates that there were 8,538 burglary charges in 1992 where the dwelling being burglarized was occupied at the time of offense. No data is available to suggest home many of these offenses involved subsequent charges against the lawful occupant of the dwelling. However, the AOC notes that the number would be expected to be sufficient to offset any additional cases estimated above.

SOURCES OF DATA: Administrative Office of the Courts

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Brenda S. Beerman
Carolyn H. Wyland

APPROVED BY: Tom Covington **TOMC**

DATE: 13-MAY-93

[FRD#003]



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