



**ASSUMPTIONS AND METHODOLOGY: Judicial Branch**

The majority of defendants charged with this offense already serve active time under current law. According to the Administrative Office of the Courts, the potential increase in sentence lengths for those serving active terms, would not be significant enough to change the defense strategies of those charged with this offense. However, if additional trials are requested, district attorneys can favorably balance out the need for additional court time through their charging and plea bargaining authority.

New Active Prison Sentences: A few defendants would receive new active prison terms as a result of the proposed legislation. The Administrative Office of the Courts projects that the defendants who would receive new active terms would be subsets of a group of five defendants in the last seven months of FY 95-96, and seven defendants in FY 96-97 who had their cases disposed. These numbers are so small that even if twice as many (12.4%) asked for trials as did under Fair Sentencing (6.2%), the Administrative Office of the Courts would expect no extra trials in FY 95-96, and at most one in FY 96-97 as a result of the proposed legislation.

For the aforementioned reasons, the Administrative Office of the Courts believes that the Judicial Branch could absorb any additional costs within existing resources.

**ASSUMPTIONS AND METHODOLOGY: Department of Correction**

With present beds, beds that have been funded but not completed, and beds retained by renovating the existing Polk Youth Center, enough beds are projected to be available at 130% capacity of 50 square feet per inmate until June 30, 2000, for inmates incarcerated under the Structured Sentencing Act which became effective October 1, 1994.

The following chart shows, for the end of each fiscal year, the above-noted projected beds to be available, the number of inmates projected under Structured Sentencing effective October 1, 1994, the surplus beds, and the additional beds needed as a result of this bill:

	June 30 <u>1996</u>	June 30 <u>1997</u>	June 30 <u>1998</u>	June 30 <u>1999</u>	June 30 <u>2000</u>
No. of Inmates Under Structured Sentencing Effective 10/1/94	25,822	25,936	26,143	26,738	27,694
Projected Beds Available at 130% Capacity of 50 Sq. Ft./Inmate*	29,854	31,870	31,870	31,870	31,870
No. of Beds Over/(Under) No. of Inmates Due to Structured Sentencing	4,032	5,934	5,727	5,132	4,176
<b>No. of Projected Additional Inmates Due to this Bill</b>	<b>3</b>	<b>19</b>	<b>47</b>	<b>57</b>	<b>75</b>
<b>No. of Additional Beds Needed Due to this Bill</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\* The projected prison bed capacity also includes 656 beds likely to be funded by the 1995 General Assembly that will be added due to double-bunking in selected single cells, and 827 beds gained through the most recent modification of Small v. Martin.

It is not anticipated that the proposed legislation would have a significant fiscal impact on the Department of Correction. Based on the North Carolina Sentencing and Policy Advisory Commission projections of prison population, including the impact of the proposed legislation, and the Department of Correction estimated prison bed capacity, the Fiscal Research Division believes that the proposed legislation would not have any fiscal impact on the Department of Correction at this time.

**Other Assumptions:**

This fiscal note does not account for the Repeal Prison Cap legislation and its related potential use of many of the currently available prison beds. The effect of repealing the cap is not considered since no decision has been made by the General Assembly as to the effective date of the legislation. It is necessary to have an effective date prior to incorporating the related bed utilization into the fiscal analysis of Session 1995 proposed legislation.

These projections do not include the 2,424 beds which are being requested in the Governor's 1995-97 Capital Improvement budget at a

cost of \$86,000,000 in 1995-96 and \$14,000,000 in 1996-97. The estimated annualized costs for these beds is \$50,000,000.

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

**TECHNICAL CONSIDERATIONS:** None

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