



approximately 5% of these defendants would request a trial as a result of the proposed legislation. Thus, the Administrative Office of the Courts estimates that there would be approximately 30 additional trials per year.

The costs for court time would average \$3,081 per trial (excluding indigent defense costs). In superior court, the Administrative Office of the Courts estimates that 75% of these defendants would be found indigent, with 75% of them represented by assigned counsel and 25% by the public defender. In the last seven months of fiscal year 1995-96, superior court trial costs (excluding public defender costs) would be \$55,458 and defense costs (assigned counsel and public defender) would be \$12,380. Assigned counsel costs that would have been incurred in the absence of the proposed legislation for disposition by plea have been deducted from the previous and following estimates.

In FY 96/97, trial costs would be \$95,203 and defense costs would be \$22,010.

These figures are conservative for the following reasons.

- 1) These figures exclude public defender and district attorney preparation time outside of trial, additional workload within the clerk's offices, and possible costs from additional appeals.
- 2) The Administrative Office of the Courts makes no attempt to determine the costs of possible increased defense activity (perhaps in the form of more trials) when defendants are charged with the "second strike" felony, for which, if convicted, they would be one felony conviction away from being eligible for punishment as an habitual felon. Defense attorneys may challenge these charges more vigorously knowing that a conviction could mean a Class B2 felony punishment the next time their clients are convicted of a felony.

**ASSUMPTIONS AND METHODOLOGY:** DEPARTMENT OF CORRECTION

It is not anticipated that the proposed legislation would have a significant fiscal impact on the Department of Correction during the five year period covered by this fiscal note. The North Carolina Sentencing and Policy Advisory Commission projections for the years following FY 99/00 can be found on the following page.

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

**TECHNICAL CONSIDERATIONS:** None

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[FRD#003]

HOUSE BILL 944: INCREASE HABITUAL FELON PUNISHMENT

ESTIMATED ADDITIONAL PRISON POPULATION ABOVE THAT PROJECTED UNDER  
STRUCTURED SENTENCING

END OF FISCAL YEAR	ESTIMATED ADDITIONAL PRISON INMATES
00/01	0
01/02	2
02/03	4
03/04	9
13/14	1,396
23/24	2,280
33/34	3,064
43/44	4,112

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