

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

ATTENTION!! THIS NOTE SHOULD REPLACE AN EARLIER VERSION

DESIGNATION THAT DID NOT CONTAIN THE "COMMITTEE SUBSTITUTE"

BILL NUMBER: SB 27 (Committee Substitute)

SHORT TITLE: Repeal Prison Cap

SPONSOR(S): Senator Odom

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

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

BILL SUMMARY: TO REPEAL THE POPULATION PRISON CAP. Effective on ratification, amends GS 148-4.1(c1) to set prison capacity at 29,775 (now 24,500). Effective Sept. 1, 1996, repeals GS 148-4.1(c1) through (g1) for purpose indicated in title. Effective Sept. 1, 1996, amends GS 148-4.1(a) to provide that from the time the Secretary of Correction directs the Parole Commission to begin releasing prisoners on parole until the prison population has been reduced to a more manageable level, the Secretary may not accept any inmates ordered transferred from local confinement facilities to the state prison under GS 148-32.1(b). The Secretary may return any inmate housed in the state prison system under order entered under GS 148-32.1(b) to the local confinement facility from which the inmate was transferred.

Senate Committee Substitute - February 7, 1995

Adds provision specifying that the Secretary of Correction may also reduce the prison population as necessary to meet the state's obligation under law.

EFFECTIVE DATE: Effective upon ratification.

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

FISCAL IMPACT

98-99 FY 94-95 FY 95-96 FY 96-97 FY 97-98 FY

**EXPENDITURES**  
**NON-RECURRING**

**RECURRING** No Fiscal Impact

**POSITIONS:** None

**ASSUMPTIONS AND METHODOLOGY:**

Based on estimates provided by the Sentencing Commission and Department of Correction, if the prison population cap is removed on September 1, 1996, the projected number of inmates on June 30, 1997, would be 29,650. After completion of all presently funded construction (\$200m. Prison Bonds and appropriations during the 1994 Special Session), the projected number of prison beds available on June 30, 1997, is 30,241. Thus, the proposed legislation would not have any additional fiscal impact on the Department of Correction since the number of prison beds would exceed the projected prison population.

\* The prison population projections provided by the Sentencing and Policy Advisory Commission are based on current Structured Sentencing law.

\*\* The projected number of prison beds available have been calculated at 125% of the standard operating capacity as a result of the modification of the Small v. Hunt lawsuit. This lawsuit required 50 square feet per inmate until it was modified in June 1994, to allow 125% occupancy of the 50 square feet per inmate requirement.

**SOURCES OF DATA:** North Carolina Sentencing and Policy Advisory Commission;  
Department of Correction

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION**  
733-4910

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**DATE:** February 8, 1995

**[FRD#003]**



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