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NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 187

SHORT TITLE: IMPAIRED DRIVING/PRIOR RECORDS

SPONSOR(S): SENATOR PARNELL

FISCAL IMPACT: No Estimate Available (X)-Judicial Branch

Expenditures: Increase (X)- Dept. of Correction

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

BILL SUMMARY: "TO INCLUDE IMPAIRED DRIVING CONVICTIONS IN FELONY PRIOR RECORD LEVEL CALCULATION." Identical to HB 151, introduced 02/09/95. Amends G.S. 15A-1340.14(b) to provide that prior conviction for impaired driving or impaired driving in a commercial vehicle counts one point for determining prior convictions for felony structured sentencing. (Under current law these offenses are not counted.)

EFFECTIVE DATE: December 1, 1995; applies to offenses committed on and after effective date.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED:

Judicial Branch
Department of Correction

FISCAL IMPACT: JUDICIAL BRANCH

FY 95-96 FY 96-97 FY 97-98 FY 98-99
FY99-00

EXPENDITURES
NON-RECURRING

RECURRING NO ESTIMATE AVAILABLE

ASSUMPTIONS AND METHODOLOGY: JUDICIAL BRANCH

The Administrative Office of the Courts is unable to provide a fiscal estimate of SB 187 as they cannot estimate the number and class of future felons who would have prior impaired driving convictions and thus would be subject to the provisions of SB 187.

FISCAL IMPACT: DEPARTMENT OF CORRECTION

Two alternatives are provided for the possible fiscal impact on the Department of Correction.

- Alternative 1 assumes that the number of beds over the currently projected prison population could be utilized to partially fulfill the requirements of the proposed legislation. The fiscal impact of Alternative 1 shows the cost associated with constructing and operating facilities in addition to those currently available.

ALTERNATIVE 1: FISCAL IMPACT: DEPARTMENT OF CORRECTION

99/00 FY 95/96 FY 96/97 FY 97/98 FY 98/99 FY

EXPENDITURES

RECURRING

NO FISCAL IMPACT

NON-RECURRING

- Alternative 2 assumes that all of the beds required by the proposed legislation would have to be supplied through the construction and operation of new facilities or the utilization of medium and minimum security private provider beds.

ALTERNATIVE 2: FISCAL IMPACT: DEPARTMENT OF CORRECTION

	RECURRING	NON-RECURRING	TOTAL
FY 95/96	\$ 7,459,519	\$8,483,075	\$15,942,594
FY 96/97	\$ 8,677,205	\$2,552,484	\$11,229,689
FY 97/98	\$10,284,801	\$1,733,994	\$12,018,795
FY 98/99	\$11,503,747	\$ 955,983	\$12,459,730
FY 99/00	\$12,122,939	\$2,044,174	\$14,167,113

Note: If funded, the Governor's proposal for constructing 2,424 new prison beds would meet and exceed the number of beds needed if SB 187 is ratified.

ASSUMPTIONS AND METHODOLOGY: DEPARTMENT OF CORRECTION

ALTERNATIVE 1 - assumes that the prison beds currently available, those over-and-above the number required under Structured Sentencing and the repeal of the prison cap, could be utilized to partially fulfill the requirements of SB 187.

The following chart shows, for the end of each fiscal year, the 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 SB 187.

	June 30	June 30	June 30	June 30	June
	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
Prison Population Projected Under Structured Sentencing	25,822 27,694	25,936	26,143	26,738	
Projected Beds Available at 130% Capacity of 50 Sq. Ft./Inmate*	29,198 31,214	31,214	31,214	31,214	
Impact from Repeal of Prison Cap 1/1/96	5,553 3,547	6,093	5,244	4,395	
Additional Projected Beds In-State	360	0	0	0	
Additional Projected Beds Out-of-State	1,425	0	0	0	
Additional Projected Double Beds in Single Cells	656	656	656	656	
Projected Beds by Outside Providers	578	578	578	578	
TOTAL BEDS	32,217 32,448	32,448	32,448	32,448	
No. Beds Over					

Projected Population 1,207	842	419	1,061	1,315
No. of Projected Additional Inmates 525 Due to this Bill	333	387	454	502
No. of Additional Beds 0 Needed Due to this Bill	0	0	0	0

* The projected prison bed capacity also includes 827 beds gained through the most recent modification of Small v. Martin.

Other Assumptions:

Alternatives 1 and 2 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 operating costs for these beds is \$50,000,000.

It is anticipated that the bed requirement of SB 187 could be met through the utilization of currently available prison beds.

ALTERNATIVE 2 - assumes that all of the beds required by the proposed legislation would have to be provided through the construction and operation of new facilities. The following table shows the prison bed needs by custody level for Alternative 2 for FY 95/96 through FY 99/00.

ALTERNATIVE 2: THE NUMBER OF ADDITIONAL BEDS NEEDED DUE TO THIS BILL

	FY 95/96	FY 96/97	FY 97/98	FY 98/99	FY 99/00
CLOSE	84	97	116	129	135
MEDIUM	146	168	197	218	228
MINIMUM	103	120	141	155	162
TOTAL	333	387	454	502	525

After analyzing the proposed legislation thoroughly, the Department of Correction estimates the following distribution of beds as needed under the proposed legislation:

Close Custody - 25%
Medium Custody - 44%
Minimum Custody - 31%

The time required for the State to find a site, draw up the plans, and construct each of the custody level prisons is as follows:

Close Custody - 30 months
Medium Custody - 24 months
Minimum Custody - 21 months

See Appendix A for the detailed cost analysis for Alternative 2.

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

FISCAL RESEARCH DIVISION (733-4910)

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DATE: June 27, 1995

APPENDIX A: ALTERNATIVE 2 - COST ANALYSIS

The state would be unable to meet the immediate demand for beds resulting from the proposed legislation if all of the beds required by the proposed legislation had to be supplied through additional resources. Thus, it is assumed that minimum and medium security private provider beds would be needed at the rate of \$54.46 per inmate/per day and \$59.46 per day/inmate, respectively. Since these are long-term contracts, it is assumed that the individuals housed by private providers in FY 95-96 would remain in private facilities throughout the time-period covered by this fiscal note.

In addition, the costs associated with the construction and operation of the close security facilities in FY 95/96 and FY 96/97 are only hypothetical in nature. These numbers are included so as to encompass the full cost of the legislation. However, it would not be possible to construct and begin operation of close security facilities within this time-frame.

Fiscal Year	Total Beds Minimum	Annual Bed Increase	Close	Medium
FY 95-96	333	333	84	146
	103			
FY 96-97	385	52	13	23
16				
FY 97-98	454	69	18	30
21				
FY 98-99	502	48	12	21
15				
FY 99-00	525	23	6	10
7				

PRIVATE PROVIDER RATES (*)

Minimum Security:

\$45.00 per day/inmate
 \$ 3.56 administrative cost

Medium Security:

\$50.00 per day/inmate
 \$ 3.56 administrative cost

\$ 4.84 extraordinary medical
medical
\$.88 day/clothing
\$.18 SIPs for employees/
office supplies
\$54.46 Total per day

\$ 4.84 extraordinary
\$.88 day/clothing
\$.18 SIPs for employees/
office supplies
\$59.46 Total per day

(*) - There is not an inflation factor included in the private
provider rates.

MINIMUM SECURITY BEDS

FY 95/96: MINIMUM SECURITY BEDS - PRIVATE PROVIDERS
\$54.46 X 103 X 365 = \$2,047,424

FY 96/97: MINIMUM SECURITY BEDS - PRIVATE PROVIDERS
\$54.46 X 103 X 365 = \$2,047,424

MINIMUM SECURITY BEDS - STATE FACILITIES
Construction (FY 95/96): 16 X \$27,566 = \$441,056
Operation: 16 X \$18,698 = \$299,168

FY 97/98: MINIMUM SECURITY BEDS - PRIVATE PROVIDERS
\$54.46 X 103 X 365 = \$2,047,424

MINIMUM SECURITY BEDS - STATE FACILITIES
Construction (FY 96/97): 21 X \$29,220 = \$613,620
Operation: 37 X \$18,913 = \$699,781

FY 98/99: MINIMUM SECURITY BEDS - PRIVATE PROVIDERS
\$54.46 X 103 X 365 = \$2,047,424

MINIMUM SECURITY BEDS - STATE FACILITIES
Construction (FY 97/98): 15 X \$30,973 = \$464,595
Operation: 52 X \$19,130 = \$994,760

FY 99/00: MINIMUM SECURITY BEDS - PRIVATE PROVIDERS
\$54.46 X 103 X 365 = \$2,047,424

MINIMUM SECURITY BEDS - STATE FACILITIES
Construction (FY 98/99): 7 X \$32,831 = \$
229,817
Operation: 59 X \$19,350 =
\$1,141,650

FY 00/01: MINIMUM SECURITY BEDS - STATE FACILITIES

Construction (FY 99/00): 8 X \$34,801 = \$278,408

MEDIUM SECURITY BEDS

FY 95/96: MEDIUM SECURITY BEDS - PRIVATE PROVIDERS

\$59.46 X 146 X 365 = \$3,168,623

FY 96/97: MEDIUM SECURITY BEDS - PRIVATE PROVIDERS

\$59.46 X 146 X 365 = \$3,168,623

MEDIUM SECURITY BEDS - STATE FACILITIES

Construction (FY 95/96): 23 X \$35,868 = \$824,964

Operation: 23 X \$23,545 = \$541,535

FY 97/98: MEDIUM SECURITY BEDS - PRIVATE PROVIDERS

\$59.46 X 146 X 365 = \$3,168,623

MEDIUM SECURITY BEDS - STATE FACILITIES

\$1,140,600 Construction (FY 96/97): 30 X \$38,020 =

\$1,262,248 Operation: 53 X \$23,816 =

FY 98/99: MEDIUM SECURITY BEDS - PRIVATE PROVIDERS

\$59.46 X 146 X 365 = \$3,168,623

MEDIUM SECURITY BEDS - STATE FACILITIES

\$1,782,660 Construction (FY 97/98): 21 X \$40,301 = \$846,321

Operation: 74 X \$24,090 =

FY 99/00: MEDIUM SECURITY BEDS - PRIVATE PROVIDERS

\$59.46 X 146 X 365 = \$3,168,623

MEDIUM SECURITY BEDS - STATE FACILITIES

427,190 Construction (FY 98/99): 10 X \$42,719 = \$

Operation: 84 X \$24,367 =
\$2,046,828

FY 00/01: MEDIUM SECURITY BEDS - STATE FACILITIES

Construction (FY 99/00): 11 X \$45,282 = \$498,102

CLOSE SECURITY BEDS

FY 95/96: CLOSE SECURITY BEDS - STATE FACILITIES - HYPOTHETICAL

Construction (FY 95/96): 84 X \$62,757 =
\$5,271,588

Operation: 84 X \$26,708 =
\$2,243,472

FY 96/97: CLOSE SECURITY BEDS - STATE FACILITIES - HYPOTHETICAL

Construction (FY 95/96): 13 X \$62,757 = \$
815,841

Operation: 97 X \$27,015 =
\$2,620,455

FY 97/98: CLOSE SECURITY BEDS - STATE FACILITIES

Construction (FY 95/96): 18 X \$62,757 =
\$1,129,626

Operation: 115 X \$27,015 =
\$3,106,725

FY 98/99: CLOSE SECURITY BEDS - STATE FACILITIES

Construction (FY 96/97): 12 X \$66,522 = \$
798,264

Operation: 127 X \$27,640 =
\$3,510,280

FY 99/00: CLOSE SECURITY BEDS - STATE FACILITIES

Construction (FY 97/98): 6 X \$70,513 = \$
423,078

Operation: 133 X \$27,958 =
\$3,718,414

FY 00/01: CLOSE SECURITY BEDS - STATE FACILITIES
 Construction (FY 98/99): 4 X \$74,744 = \$
298,976

FY 01/02: CLOSE SECURITY BEDS - STATE FACILITIES
 Construction (FY 99/00): 16 X \$79,229 =
\$1,267,664



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