

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 597

SHORT TITLE: Drug Trafficking Conspiracy

SPONSOR(S): Senator Kerr

FISCAL IMPACT:

Expenditures:	Increase ()	Decrease ()
Revenues:	Increase ()	Decrease ()
	No Impact (X)	

BILL SUMMARY: "TO PROVIDE THAT A DEFENDANT WHO IS CONVICTED OF A DRUG TRAFFICKING CONSPIRACY IS NOT ELIGIBLE FOR INTERMEDIATE SANCTIONS UNDER THE STRUCTURED SENTENCING ACT." As title indicates.

EFFECTIVE DATE: Effective December 1, 1995 and applies to offenses committed on or after that date.

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

FISCAL IMPACT

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

EXPENDITURES

RECURRING NO FISCAL IMPACT

NON-RECURRING

POSITIONS:

The proposed legislation includes drug trafficking conspiracy in G.S. 15A-1340.13(h) under "Exceptions When Extraordinary Mitigation Shall Not Be Used" eliminating a loophole that may allow drug trafficking conspirators to be considered for intermediate punishments.

ASSUMPTIONS AND METHODOLOGY: The Administrative Office of the Courts estimates that 89 defendants would be convicted of drug trafficking conspiracy statewide within a year. Of these 89 defendants, it is unlikely that many of them would qualify for extraordinary mitigation. Thus, the Administrative Office of the Courts believes that the proposed legislation would affect very few defendants. Those few (if any) defendants who had in the past qualified for extraordinary mitigation would now be facing the regular trafficking penalties.

Likewise, the proposed legislation is not anticipated to have a significant fiscal impact on the Department of Correction due to the small number of cases involving defendants who had in the past qualified for extraordinary mitigation and who would now be facing the regular trafficking penalties.

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

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION (733-4910)

PREPARED BY: Whitney A. Obrig
Jim Mills

APPROVED BY: Tom Covington **TomC**

DATE: April 24, 1995

[FRD#003]



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