

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE FISCAL NOTE

BILL NUMBER: S 1292

SHORT TITLE: Length of Juvenile Commitment

SPONSOR(S): Senator Wib Gulley

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

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

BILL SUMMARY: The proposed bill provides that Structured Sentencing does not apply to juvenile dispositions, except as provided in the revised G.S. 7A-652(c). This revised provision specifies that a delinquent juvenile cannot be committed to the Division of Youth Services' residential facilities for a period greater than the maximum term of imprisonment for which an adult in prior record level VI for felonies or prior conviction level III for misdemeanors could be sentenced for the same offense. (Currently, the provision states that the commitment could not be in excess of the period for which an adult could be committed for the same act.) It also provides that a juvenile committed for an offense no greater than a Class 3 misdemeanor shall be assigned to a local detention home or regional home. (Currently, the provision states that if juveniles were being committed for an offense for which an adult would receive 30 days or less, they could be assigned only to such homes).

EFFECTIVE DATE: December 1, 1996 - applies to offenses committed on or after that date.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department; Department of Human Resources, Division of Youth Services; and the Department of Correction.

FISCAL IMPACT

FY

FY

<u>FY</u>	<u>FY</u>	<u>FY</u>			
EXPENDITURES	1996-97	1997-98	1998-99	1999-00	2000-01
RECURRING					
		NO	IMPACT		
NON-RECURRING					
REVENUES/RECEIPTS					
RECURRING					
NON-RECURRING					

POSITIONS: None

ASSUMPTIONS AND METHODOLOGY: According to representatives from the Judicial Department, Juvenile Services Division, and from the Department of Human Resources, Division of Youth Services, the bill language basically reflects current procedure and should serve primarily to clarify the relationship of the Structured Sentencing Act to juvenile offenses and procedures. One exception is the section of the bill requiring that juveniles that commit an offense that would be a Class 3 misdemeanor if committed by an adult, be assigned to a local or regional detention home.

Current practice is to sentence juveniles for 30 days or less to detention homes for offenses that adults would also be sentenced for 30 days or less. However, by only specifying Class 3 misdemeanors in the bill, the maximum juvenile sentence to detention homes would be 20 days. Therefore, it is conceivable that a few offenders whose sentence would be between 20 and 30 days could be sentenced to training schools. However, representatives from the Judicial Department and the Department of Human Resources believe there are only a small number of juvenile offenders that would fall in this category. Also, the annual cost of training schools is slightly less than detention homes. Therefore, this bill will have no fiscal impact. Further, since the bill applies to "delinquent" juveniles there will be no fiscal impact on the Department of Correction.

SOURCES OF DATA: Judicial Department; Sentencing and Policy Advisory Commission; Department of Human Resources

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

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