

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB1297

SHORT TITLE: Conditions of Probation

SPONSOR(S): Senator Odom

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

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

BILL SUMMARY: Adds new subsection to G.S.15A-1343 that sets out special conditions of probation for sex offenders including registration as a sex offender under G.S. 14-208.7 if offense is reportable under G.S. 14-208.6(4); participation in treatment; not communicate or be in presence of victim; not reside in household with minor child (under certain circumstances); and satisfy other conditions as determined by the court to be reasonably related to rehabilitation.

EFFECTIVE DATE: December 1, 1996

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Department of Correction, Division of Adult Probation and Parole

FISCAL IMPACT

	<u>FY</u> 1996-97*	<u>FY</u> 1997-98	<u>FY</u> 1998-99	<u>FY</u> 1999-00	<u>FY</u> 2000-01
EXPENDITURES					
TOTAL	\$93,304	\$290,497	\$428,011	\$565,525	\$703,
RECURRING	\$77,836	\$275,029	\$412,543	\$550,057	\$687,
NON-RECURRING	\$15,468				
\$15,468	\$15,468	\$15,468	\$15,468		

POSITIONS: 3 6 9 12 15

FY 96-97 assumes effective date of 12/1/96; there has been some discussion in Judiciary Committees of making all criminal law bills effective January 1; if this bill is amended to a January 1 effective date, the total first year cost would be \$82,223 (\$66,755 recurring and \$15,468 non-recurring).

ASSUMPTIONS AND METHODOLOGY:

SB 1297 will have fiscal impact based on the following assumptions:

(1) The bill requires all sex offenders to remain on supervised probation throughout the probation period – there will no longer be any period of unsupervised probation for these offenders as is current practice.

The bill mandates certain conditions of probation, which will require more intense supervision for these offenders.

The Department of Correction, Division of Probation and Parole, estimates approximately 150 sex offenders annually would move from supervised to unsupervised probation. This bill assumes that these 150 offenders each year would remain on supervised probation until the end of their term. The Division has recommended a caseload of approximately one regular probation officer for every 50 sex offenders to ensure stricter supervision as envisioned by this bill (Currently, a regular officer supervises between 90 and 110 cases). Fifty to 60 cases is a typical caseload for certain "high risk" offenders.

The costs estimated in the fiscal impact table above are based on adding three regular probation officers per year for five years. The cost of one position is \$49,659 of which \$5,156 is non-recurring. The costs for years two through five are increased each year by 3%.

It should be noted that the Governor's recommended budget to the 1996 Short Session includes funds for eight probation officer positions for supervision of sex offenders on probation. The Governor's recommended budget is intended to ensure supervision of sex offenders that normally would have moved to unsupervised probation, as intended by this bill. Additionally, unlike this bill, the Governor's proposal would establish special caseload officers to supervise all sex offenders (not just those moving from unsupervised to supervised).

One other section of the bill has a potential fiscal impact. Section 1 (b2) (2) requires the offender to participate in evaluation and treatment as ordered by the courts; while this is potentially expensive treatment, this condition is often required now. Further, current practice is to require payment by the offender in most cases. Therefore, it is assumed current practice will continue under this bill and there will be no fiscal impact.

SOURCES OF DATA: Department of Correction

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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Official

Fiscal Research Division

Publication



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