

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 904 (PCS 6/1/98)
SHORT TITLE: Life Imprisonment for Repeat Child Molester
SPONSOR(S): Representatives Mosely, et al

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

(in millions)

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

GENERAL FUND

Correction

No Fiscal Impact

Recurring
Nonrecurring

Judicial

No Fiscal Impact

Recurring
Nonrecurring

TOTAL EXPENDITURES

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch

EFFECTIVE DATE: December 1, 1998; applies to offenses committed on or after that date.

BILL SUMMARY: *TO PROVIDE THAT A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE SHALL BE IMPOSED FOR A SECOND OR SUBSEQUENT CONVICTION OF A CLASS B1 FELONY IF THERE ARE NO MITIGATING CIRCUMSTANCES AND THE VICTIM IS THIRTEEN YEARS OF AGE OR YOUNGER.* Adds new G.S. 15A-1340.16B as title indicates (class B1 felonies include first-degree rape and sexual offense). Requires that a prior conviction of a class B1 felony must be proved in accordance with G.S. 15A-1340.14. Applies to offenses committed on or after Dec. 1, 1998.

ASSUMPTIONS AND METHODOLOGY:

Judicial Department

The Judicial Department does not expect this bill to have a fiscal impact on the court system. In FY 1996-97, the Sentencing Commission reports only one conviction for a Class B1 offense (first degree rape of a child), where the case involved a victim 13 years old or younger and the offender did not receive a mitigated sentence and had

a prior Class B1 felony conviction. The Judicial Department believes the incidence of such offenses in the circumstances outlined in the bill are very rare. Although trials in such cases would be lengthy, many offenders in this situation are more likely to contest the charges and go to trial anyway (one prior Class B1 conviction would, unless mitigated, automatically qualify a defendant for a 25-40 year sentence). Considering these factors, the Judicial Department does not predict the bill to have a fiscal impact.

Department of Correction

Similarly, there would not be a fiscal impact on the prison system. As indicated above, the Sentencing Commission reports that in FY 1996-97 there was only one conviction for a Class B1 offense that met the criteria for life imprisonment established in this bill. The Department of Correction, within existing resources, can absorb any convictions under this bill.

SOURCES OF DATA: Department of Correction, Judicial Branch; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None.

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Matt Bronson and Elisa Wolper

APPROVED BY: Tom L. Covington

DATE: June 22, 1998



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