

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 12

SHORT TITLE: Habitual DWI/Active Time

SPONSOR(S): Senators Phillips; Albertson, Cochrane, Cooper, Dalton, Foxx, Gulley, Hoyle, Jenkins, Jordan, Kerr, Kinnaird, Lee, Martin of Guilford, Odom, Perdue, Rand, Reeves, Shaw of Cumberland, Warren, and Winner.

FISCAL IMPACT

Yes () No () No Estimate Available ()

(in millions)

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

GENERAL FUND

Correction

Recurring

Nonrecurring

No Fiscal Impact

Judicial

Recurring

Nonrecurring

TOTAL EXPENDITURES

POSITIONS: It is anticipated that approximately 0 positions would be needed to supervise the additional inmates housed under this bill. This is based on inmate to employee ratios, provided by the Division of Prisons, for close, medium, and minimum custody facilities (These position totals include security, program, and administrative personnel.).

Close – 2 to 1
Medium – 3 to 1
Minimum – 4 to 1

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

EFFECTIVE DATE: December 1, 1997, and applies to offenses committed on or after that date.

BILL SUMMARY: HABITUAL DWI/ACTIVE TIME. TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO REQUIRE ACTIVE TIME FOR HABITUAL IMPAIRED DRIVING CONVICTIONS. Requires, notwithstanding the provisions of the Structured Sentencing Act, the court to impose an active term of imprisonment, consistent with the duration specified for a class G felony and prior record level, for persons convicted of driving while impaired under GS 20-138.5. Applies to offenses committed on or after Dec. 1, 1997.

ASSUMPTIONS AND METHODOLOGY: Department of Correction and Judicial Branch

As noted by the Sentencing Commission, past practice has been that judges already give active sentences for convictions of this offense. Therefore, the Sentencing Commission does not expect this change to add any additional inmates to the prison system.

Likewise, there would not be a significant fiscal impact on the Judicial Branch, as there would not be any major changes in the time required to process or dispose of these cases.

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

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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