

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 458
SHORT TITLE: Amend Marijuana Trafficking Amounts
SPONSOR(S): Senator Shaw

FISCAL IMPACT					
	Yes ()	No (X)	No Estimate Available ()		
	(in millions)				
	<u>FY 1997-98</u>	<u>FY 1998-99</u>	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>
GENERAL FUND					
Correction					
Recurring					
Nonrecurring					
	NO FISCAL IMPACT				
Judicial					
Recurring					
Nonrecurring					
TOTAL EXPENDITURES	_____	_____	_____	_____	_____
 PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch					
EFFECTIVE DATE: December 1, 1997; applies to offenses committed on or after that date					

BILL SUMMARY: S 458. AMEND MARIJUANA TRAFFICKING AMTS. TO AMEND THE OFFENSE OF TRAFFICKING IN MARIJUANA BY CHANGING THE AMOUNT OF MARIJUANA THAT WOULD BE CONSIDERED TRAFFICKING. Amends GS 90-95(h)(1) to provide that possession or sale of more than 10 (now, 50) pounds of marijuana constitutes "trafficking" in marijuana.

ASSUMPTIONS AND METHODOLOGY:

The bill would affect those charged with selling, manufacturing, delivering or transporting between 10 and 50 pounds of marijuana. Under current law, if the amount is over 50 pounds the charge is felony trafficking. Under this bill, those with anything over 10 pounds would face this charge. The Administrative Office of the Courts estimates 2% of all felony charges for possession or trafficking involve quantities between 10 and 50 pounds.

Judicial Branch

In 1996 there were 8,222 defendants charged with felony marijuana offenses more serious than possession but less serious than trafficking. Assuming 2% of these 8,222 defendants are affected by this bill, 164 (= .02*8,222) individuals would face trafficking charges if this bill becomes law. The Administrative Office of the Courts estimates this would involve about 8 additional days of Superior Court Trial which can be absorbed within existing court resources.

Department of Correction

The following chart shows, for the end of each fiscal year, beds projected to be available, the number of inmates projected under the present Structured Sentencing Act, the deficit or surplus beds, the number of additional inmates projected to be incarcerated under this bill, and the additional beds needed as a result of this bill after considering projected prison capacity: (The following information is specific to each individual bill.)

	<u>June 30</u> <u>1998</u>	<u>June 30</u> <u>1999</u>	<u>June 30</u> <u>2000</u>	<u>June 30</u> <u>2001</u>	<u>June 30</u> <u>2002</u>
Projected No. of Inmates Under Current Structured Sentencing Act ¹	31,762	30,371	30,060	30,610	31,259
Projected No. of Prison Beds (DOC Expanded Capacity) ²	34,133	35,599	35,599	35,599	35,599
No. of Beds Over/Under No. of Inmates Under Current Structured Sentencing Act	+2,371	+5,228	+5,539	+4,989	+4,430
No. of Projected Additional Inmates Due to this Bill	16	46	69	77	82
No. of Additional Beds Need Each Fiscal Year Due to this Bill	0	0	0	0	0

As shown in bold in the table above, the Sentencing Commission estimates this specific legislation will add 82 inmates to the prison system by 2001-02. There is no additional fiscal impact resulting from the passage of this

¹ The Sentencing Commission's revised prison population projections (dated December 1996) were estimated under three scenarios: High, Best, and Low. The differences in these scenarios reflect varying assumptions on incarceration rates under Structured Sentencing, probation and revocation rates, and the decline of the stock population. The projections outlined above are included in the "Best scenario" since the Sentencing Commission and the Department of Correction believe this scenario is most likely to occur.

² Projected number of prison beds based on Department of Correction estimates of expanded bed capacity as of 1/11/97. These numbers do not include the number of beds requested in the Governor's 1997-99 Capital Improvement budget.

bill because these additional beds and their associated costs can be absorbed within the Department of Correction's existing budget. This analysis is based on the following assumptions and methodology:

1. There will be an estimated surplus of 4,430 beds by FY 2001-02 , based on current prison population projections by the Sentencing Commission and the estimated expanded prison bed capacity (see table above);
2. The expanded prison capacity includes all beds available when currently funded prison construction is completed, as well operating funds for food, clothing, health, and security of prisoners as the units begin housing inmates;
3. The Department of Correction will continue operating most dormitory units at 130% of capacity, as allowed by court consent decrees; and,
4. The expanded prison capacity numbers do not include out-of-state beds, jail contract beds, or the 2,000 net new beds which would be established if the projects receiving planning and design funds in the 1996 Session were fully funded.

Note: The number of additional inmates projected to be incarcerated if the 17 Sentencing Commission recommendations are approved by the 1997 General Assembly is 2,044 inmates by FY 2001-02 and 2,944 inmates by FY 2006-07. If all of the Sentencing Commission recommendations are approved, the estimated surplus of prison beds will be 2,296 by the end of FY 2001-02. These recommendations, along with other criminal penalty bill enhancements, reduce the availability of prison beds in future years. The Fiscal Research Division is monitoring the cumulative effect of all criminal penalty bills on the prison system.

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

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION

733-4910

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