

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 542
SHORT TITLE: Taunt Police Animals.
SPONSOR(S): Senator Shaw of Guilford.

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			<u>No Fiscal Impact</u>		
Recurring					
Nonrecurring					
Judicial			<u>No Fiscal Impact</u>		
Recurring					
Nonrecurring					
TOTAL EXPENDITURES	_____	_____	_____	_____	_____
<p>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.).</p> <p style="text-align: center;">Close – 2 to 1 Medium – 3 to 1 Minimum – 4 to 1</p>					
<p>PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch</p>					
<p>EFFECTIVE DATE: December 1, 1997, and applies to offenses committed on or after that date.</p>					

BILL SUMMARY: TAUNT POLICE ANIMAL. The bill modifies G.S. 14-163.1, to add new section (b), which makes the knowing, willful, and malicious taunting, tormenting, teasing, beating, kicking, or striking of a law enforcement animal a Class 1 misdemeanor. This act becomes effective December 1, 1997, and applies to offenses committed on or after that date.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

The Judicial Branch does not anticipate this bill to have a fiscal impact on the court system. The Administrative Office of the Courts' Court Information System has no offense code for the serious injury or killing of law enforcement animals, which was criminalized in 1983 under G.S. 14-163.1. This is one indicator of this probable infrequency of cases of this nature. More serious assaults and deaths are Class I felonies under G.S. 14-163.1. Since these less serious assaults previously not criminalized would be Class 1 misdemeanors, there may be a few additional cases in district court. However, in most instances, the Judicial Branch assumes the defendant engaged in the assault would be likely charged with other offenses as serious or more serious than this Class 1 misdemeanor. The court system can handle, within existing resources, any of these few additional defendants entering the court system.

Department of Correction

The Sentencing and Policy Advisory Commission does not expect this bill to have any impact on the state prison system, because it establishes a misdemeanor penalty. Furthermore, this bill expects to have only a minimal impact on county jail populations. Any convictions can be handled within existing state and county detention resources.

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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DATE: March 24, 1997



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