

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 786

SHORT TITLE: Commercial Felony Death By Vehicle

SPONSOR(S): Rep. Phillip Haire

FISCAL IMPACT

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

FY 1999-00 FY 2000-01 FY 2001-02 FY 2002-03 FY 2003-04

REVENUES

EXPENDITURES

No significant impact anticipated.

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch, Department of Correction

EFFECTIVE DATE: December 1, 1999

BILL SUMMARY:

COMMERCIAL FELONY DEATH BY VEHICLE. TO PROVIDE FOR ENHANCED PUNISHMENTS FOR FELONY DEATH BY VEHICLE WHILE OPERATING A COMMERCIAL VEHICLE. Adds new Class H felony, as title indicates, for unintentionally causing the death of another person while (1) violating any state law applying to the operation or use of a vehicle or to traffic regulation and (2) operating a class A or class B motor vehicle with three or more axles with a GVWR of at least 26,001 pounds.

Source: Institute of Government, Daily Bulletin, April 1, 1999.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

The Administrative Office of the Courts (AOC) does not anticipate that the increased severity of charges brought will significantly impact the courts. A low number of cases is

expected and defendants are already being charged with a misdemeanor offense under current law.

In calendar 1998, 234 defendants were charged with misdemeanor death by vehicle but only a fraction of these would qualify as a commercial felony death by vehicle. In 1997, there were 1,483 traffic fatalities in North Carolina and 211 defendants charged with misdemeanor death by motor vehicle. Based on the above, only about 14 percent of the traffic fatalities resulted in a defendant charged with misdemeanor death by vehicle.

According to the Department of Transportation's Traffic Engineering and Safety Systems Branch, about two out of every 13 fatalities (228 during 1997) involved a truck over 10,000 pounds and about half of these (or 114) involved trucks of at least 26,001 pounds with three or more axles as described in the bill. Assuming that 14 percent of the 114 would result in a defendant charged with commercial felony death by vehicle, only 16 defendants would be charged. Even under a broader alternative estimate from the same DOT branch, if 30 percent of the 114 fatalities were identified as caused by trucks, and all resulted in felony charges, the maximum anticipated defendants would be 34. The estimate of defendants using the 30 percent may be even lower if there was more than one fatality per accident or if the driver was not in violation of a state law applying to the operation of a vehicle or to a traffic regulation when the accident occurred.

Department of Correction (DOC)

According to the Sentencing Commission, during Fiscal Year 1997/98 there were 83 convictions for misdemeanor death by vehicle. The database does not specify how many of these were involving commercial vehicles. If 10 percent involved commercial vehicles as described in the bill and were sentenced as a Class H felony instead of a Class 1 misdemeanor, two offenders would be expected to receive an active prison sentence of 8.3 months, resulting in the need for two prison beds the first year. By the second year probation revocations would result in the need for two additional beds for a total of 4 beds the second year.

If 33 percent of the 83 convictions involved commercial vehicles as described in the bill and were sentenced as a Class H felony instead of a Class 1 misdemeanor, 8 offenders would be expected to receive an active prison sentence of 8.3 months, resulting in the need for 6 prison beds the first year. By the second year probation revocations would result in the need for 7 additional beds for a total of 13 beds the second year. The Fiscal Research Division believes the minimal fiscal impact of this bill could be absorbed with current resources.

There is no direct fiscal impact resulting from the passage of this bill because this magnitude of additional beds and their associated costs can be absorbed within the Department of Correction's existing budget. However, even though costs can be absorbed due to available bed capacity, there is a daily cost for each inmate added to the system that will have to be expended in lieu of using available funds for other purposes or reverting these funds. The average cost per day for one inmate was the following in 1997-98:

DAILY INMATE COST

Custody Level	<u>Minimum</u>	<u>Medium</u>	<u>Close</u>	<u>Statewide Average</u>
Daily Cost Per Inmate (97-98)	\$51.27	\$67.44	\$78.64	\$62.41

These costs include security, inmate costs (food medical etc.) and administrative overhead costs for the Department and the Division of Prisons.

NOTE: This fiscal analysis is independent of the impact of other criminal penalty bills being considered by the General Assembly. Other criminal penalty bill enhancements being considered by the General Assembly 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.

TECHNICAL CONSIDERATIONS: none

FISCAL RESEARCH DIVISION 733-4910

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DATE: Monday, April 12, 1999



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