

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 908 1st Edition

SHORT TITLE: Robbery with Chemical Agent

SPONSOR(S): Rep. Gillespie, et al.

FISCAL IMPACT

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

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

REVENUES

EXPENDITURES

No substantial impact. No estimate available.

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

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

EFFECTIVE DATE: December 1, 1999 and applies to offenses committed on or after that date

BILL SUMMARY:

ROBBERY WITH CHEMICAL AGENT. TO CREATE THE OFFENSE OF ROBBERY WITH A CHEMICAL AGENT. Adds new GS 14-87.2 creating a Class E felony (unless another law provides for greater punishment) of (1) displaying, using, or possessing and threatening to use a dangerous chemical at the time of committing a robbery or (2) aiding or abetting another person in the commission of that offense. Defines "dangerous chemical" as any chemical agent that causes incapacitation by impairment to vision or respiration, or that acts as a skin irritant, including mace, tear gas, and pepper spray. Effective December 1, 1999, and applies to offenses committed on or after that date.

Source: Institute of Government, Daily Bulletin, April 5, 1999.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

The Administrative Office of the Courts (AOC) believes the bill will have an impact on the judicial system but are unable to provide an estimate. Defendants that would be charged with a Class E felony under the bill are currently charged with a Class G felony for common law robbery. (Armed robbery is a Class D felony and would include the use of firearms and other dangerous weapons not included under this bill.) The penalty upgrade from a Class G felony to a Class E felony would incrementally increase the number of trials, require additional workload to prepare the case, lengthen the court time, and require additional time for guilty pleas. The increase in time spent on these cases would also increase the indigent defense costs. The AOC and Fiscal Research Division believe there would not be a substantial impact on the judicial system from the passage of this bill.

Department of Correction

According to the Sentencing Commission, in fiscal 1997-98 there were 825 convictions for common law robbery. If five percent (42) of these qualified as robbery with a chemical agent, it would add 13 additional full year equivalent inmates during the first full year. The Fiscal Research Division believes that additions of this magnitude can be absorbed within existing resources.

The Sentencing Commission estimates this specific legislation will add 39 inmates to the prison system by the end of FY 2003-04. There is no direct fiscal impact resulting from the passage of this bill because these additional beds and their associated costs can be absorbed within the Department of Correction's existing budget.

TECHNICAL CONSIDERATIONS: none

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DATE: Tuesday, April 20, 1999



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