

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** House Bill 1275  
**SHORT TITLE:** Enforce Gun Laws at Gun Shows  
**SPONSOR(S):** Representatives Kinney and Hurley

<b>FISCAL IMPACT</b>				
<b>Yes ( )</b>	<b>No ( )</b>	<b>No Estimate Available ( X )</b>		
<b><u>FY 1999-00</u></b>	<b><u>FY 2000-01</u></b>	<b><u>FY 2001-02</u></b>	<b><u>FY 2002-03</u></b>	<b><u>FY 2003-04</u></b>
<b>REVENUES</b>				
<b>EXPENDITURES</b> Impact on Department of Correction could be absorbed Potential impact on Judicial Branch workload.				
<b>POSITIONS:</b>				
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Administrative Office of the Courts; Department of Correction and/or Local Jails				
<b>EFFECTIVE DATE:</b> December 1, 1999—applies to offenses committed on or after that date				

**BILL SUMMARY:** *TO INCREASE THE ENFORCEMENT OF GUN LAWS AT GUN SHOWS.* Adds new Article 54C to GS Ch. 14 to regulate gun shows. Requires gun show promoter (as defined in bill) to obtain permit from sheriff, ensure that vendors at show comply with cited state and federal laws regulating gun sales. Requires person at gun show who sells, leases, or otherwise transfers gun to be dealer under 18 USC 923 and comply with that law. Violation of article is Class 1 misdemeanor. Provides defense for promoter who makes good faith effort to comply for sales occurring outside primary area of show

**ASSUMPTIONS AND METHODOLOGY:**

Because violations of this article constitute a new offense, there is no historical information on the frequency of these violations. Therefore, the Sentencing Commission is not able to project how many offenders might be sentenced under this bill. Penalties for Class 1 Misdemeanors range from 1-45 days for 1 or more prior to 1-120 days for 5 or more priors. Only sentences over 90 days would affect the Department of Correction capacity; shorter sentences are served in local jails. Local governments are reimbursed for the cost of sentences between 30-90 days.

Using data on the frequency with which Class 1 Misdemeanors receive active sentences and violate probation, the Sentencing Commission notes that if 45 offenders are convicted of this charge, 3 would likely receive sentences of 4.3 months, requiring 1 prison bed per year. Current projections show at least 1,000 available beds through 2004. Unless convictions end up being over 45,000 per year, this population increase could be absorbed within existing resources of the Department of Correction.

This bill may affect workload in the Judicial Branch. Data was not available to project a specific impact.

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION 733-4910**

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**DATE:** Wednesday, April 28, 1999



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