



# NORTH CAROLINA GENERAL ASSEMBLY

Session 2021

## Legislative Fiscal Note

**Short Title:** Allow ERPOs to Prevent Suicides & Save Lives.  
**Bill Number:** House Bill 525 (First Edition)  
**Sponsor(s):** Representatives Morey, Autry, Gill, and Martin

### SUMMARY TABLE

#### FISCAL IMPACT OF H.B.525, V.1

	<u>FY 2021-22</u>	<u>FY 2022-23</u>	<u>FY 2023-24</u>	<u>FY 2024-25</u>	<u>FY 2025-26</u>
<b>State Impact</b>					
General Fund Revenue	-	-	-	-	-
Less Expenditures	-	-	-	-	-
<b>General Fund Impact</b>	<b>No Estimate Available - Refer to Fiscal Analysis section</b>				

<b>NET STATE IMPACT</b>	<b>No Estimate Available - Refer to Fiscal Analysis section</b>
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**TECHNICAL CONSIDERATIONS:** See Technical Considerations Section

### FISCAL IMPACT SUMMARY

Section 1 of the bill would create Chapter 50E, Extreme Risk Protective Orders (EPRO), which establishes procedures for family or household members, current or former partners, law enforcement, or healthcare providers to request to restrict a person’s access to firearms if the person poses a danger of harming himself or others. Upon service of an EPRO, an individual must surrender possession of firearms, ammunition, firearm purchase permits, and concealed carry permits to the sheriff. Sheriffs would be allowed to charge a “reasonable fee” for storing the firearms and ammunition. Section 1 would require that the addresses of petitioners who meet certain criteria and attest to the risk of physical harm if their address is public be kept confidential. Section 1 would also require the Administrative Office of the Courts (AOC) to report annually information regarding filed, issued, and declined ERPOs.

The fiscal impact to AOC under Section 1 cannot be estimated. The processing of filed ERPOs would increase the workload for district court personnel, but the workload increase cannot be predicted. Therefore, Fiscal Research cannot estimate the fiscal impact to AOC of processing ERPOs. AOC identified \$18,845 in system configuration costs to comply with the address confidentiality and reporting requirements. Additional details are included in the Fiscal Analysis and Technical Considerations sections.

Fiscal Research finds that the allowance of a storage fee would offset the costs incurred by the sheriffs under this bill.

Section 2 of the bill would expand the current Address Confidentiality Program to include ERPO petitioners. Fiscal Research finds no fiscal impact to the Judicial Branch and insignificant fiscal impact to the Department of Justice.

Section 3 of the bill would require AOC to develop forms to implement the bill's processes. Fiscal Research finds insignificant fiscal impact from this section.

## **FISCAL ANALYSIS**

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Establishing a process to file EPROs under Chapter 50E would increase the workload for district court personnel, but the workload increase cannot be predicted. Of note, the pool of potential petitioners would be limited to family or household members, current or former partners, law enforcement, and health care providers. Furthermore, because there is no additional benefit for petitioners to secure a G.S. 50B domestic violence protective order and an ERPO, the pool of potential petitioners may be effectively limited to those who would not otherwise seek a G.S. 50B order. Fiscal Research is unable to estimate the fiscal impact to AOC for processing ERPOs.

The requirement under G.S. 50E-4 for AOC to protect a petitioner's address in certain circumstances, even when not a participant in the Address Confidentiality Program, would require system automation changes and additional recordkeeping. AOC estimates it would cost \$1,092 in technology personnel time to configure their systems. There would also be an additional workload on clerks to ensure the address is redacted in public disclosures. Fiscal Research cannot estimate the associated workload increase on clerks.

G.S. 50E-4(h) would require AOC to report information on the number of petitions filed, ERPOs issued, and ERPOs declined including justifications for why each was declined. AOC estimates a fiscal impact of \$17,753 for the 260 hours of technology personnel time needed to configure its legacy case management systems to obtain this data. AOC stated it would need to complete a formal study with its eCourts vendor to determine the necessary system configuration changes, and associated costs, to implement the reporting requirement for the new integrated case management system.

G.S. 50E-9 would require respondents, upon service of an ERPO, to surrender to the sheriff possession of firearms, ammunition, firearm purchase permits, and concealed carry permits. This section would allow sheriffs to charge a "reasonable fee" for storing the firearms and ammunition. Fiscal Research finds that the allowance of a storage fee would offset the costs incurred by the sheriffs under this bill.

Section 2 of the bill would expand the existing Address Confidentiality Program to include ERPO petitioners. Fiscal Research finds no fiscal impact to the Judicial Branch and minimal costs to the Department of Justice.

Section 3 of the bill would require AOC to develop forms to implement the bill's processes. Fiscal Research finds minimal fiscal impact from this section.

## **TECHNICAL CONSIDERATIONS**

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Section 50E-4 of the bill would require AOC to report to the North Carolina General Assembly information on the number of petitions filed, ERPOs issued, and ERPOs declined including justifications for why each was declined. The first report would be due December 1, 2022 and annually thereafter. AOC stated it may need until at least March 2023 to complete the technological updates necessary to compile this report.

## **DATA SOURCES**

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ADMINISTRATIVE OFFICE OF THE COURTS; DEPARTMENT OF JUSTICE; NORTH CAROLINA SHERIFFS' ASSOCIATION

## **LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS**

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This document is an official fiscal analysis prepared pursuant to Chapter 120 of the General Statutes and rules adopted by the Senate and House of Representatives. The estimates in this analysis are based on the data, assumptions, and methodology described in the Fiscal Analysis section of this document. This document only addresses sections of the bill that have projected direct fiscal impacts on State or local governments and does not address sections that have no projected fiscal impacts.

## **CONTACT INFORMATION**

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Questions on this analysis should be directed to the Fiscal Research Division at (919) 733-4910.

## **ESTIMATE PREPARED BY**

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Morgan Weiss

## **ESTIMATE APPROVED BY**

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Kristine Leggett  
on behalf of Mark Trogdon, Director  
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September 10, 2021



**Signed copy located in the NCGA Principal Clerk's Offices**