



NORTH CAROLINA GENERAL ASSEMBLY

2025 Session

Legislative Incarceration Fiscal Note

Short Title: Various Criminal Law Revisions.
Bill Number: House Bill 307 (First Edition)
Sponsor(s): Rep. Stevens

FISCAL IMPACT SUMMARY

Criminal offenses are classified as misdemeanors (Class 3 as the lowest and Class A1 as the highest) and felonies (Class I to Class A). There are three types of legislative changes to offenses that may result in a fiscal impact to the State’s criminal justice system: creating a new offense, changing the class of an existing offense, or changing the scope of an existing offense.

This proposed legislation would **create the following new charges: a Class B1 felony, a Class C felony, a Class D felony, a Class E felony, five Class H felonies, seven Class I felonies, two Class 1 misdemeanors, and two Class 3 misdemeanors.** Because these are all new charges, there is no data to predict how many individuals may be charged or convicted. **Therefore, Fiscal Research is unable to project the fiscal impact** of the proposed legislation on the criminal justice system.

Each additional person charged under the proposed offenses will have a cost to the judicial system and each additional person convicted will have a cost to the correction system. The **cost of one charge and conviction** is listed in the table below, along with the percent of cases that incur those costs at that offense level.

Cost of One Charge and Conviction											
Offense Class	Prosecution and Defense			Active Sentence					Suspended Sentence		
	Admin. Office of the Courts	Indigent Defense Services		DAC - Confinement			DAC - Post-Release Supervision (PRS)		DAC - Probation		
Felony	Cost	Rate	Cost	Rate	Cost	Length (Mo.)	Cost	Length (Mo.)	Rate	Cost	Length (Mo.)
B1	\$23,852	78%	\$4,187	100%	\$178,610	242	\$2,994	12	0%	\$0	0
C	\$8,598	82%	\$2,317	100%	\$63,473	86	\$2,994	12	0%	\$0	0
D	\$7,027	89%	\$1,744	100%	\$47,236	64	\$2,994	12	0%	\$0	0
E	\$3,281	79%	\$909	57%	\$19,928	27	\$2,994	12	43%	\$7,356	31
H	\$1,016	78%	\$510	33%	\$8,119	11	\$2,282	9	67%	\$5,933	25
I	\$740	68%	\$407	15%	\$4,428	6	\$2,282	9	85%	\$5,221	22
Misdemeanor	Cost	Rate	Cost	Rate	Cost	Length (Mo.)	Cost	Length (Mo.)	Rate	Cost	Length (Mo.)
1	\$335	62%	\$237	Active sentences for misdemeanor convictions are served in County jail.			Misdemeanants do not receive PRS.		64%	\$3,322	14
3	\$63	14%	\$202						84%	\$3,085	13

Note: Court costs reflect the average cost per disposition. Costs for active sentences, probation, and post-release supervision reflect the total cost of the sentence or supervision period. Costs to the Statewide Misdemeanant Confinement Program (SMCP) only occur for active sentences > 90 days and impaired driving.

FISCAL IMPACT OF H.B.307, V.1

	<u>FY 2025-26</u>	<u>FY 2026-27</u>	<u>FY 2027-28</u>	<u>FY 2028-29</u>	<u>FY 2029-30</u>
State Impact					
General Fund Revenue	-	-	-	-	-
Less Expenditures	-	-	-	-	-
General Fund Impact	No Estimate Available - Refer to Fiscal Analysis section				

NET STATE IMPACT	No Estimate Available - Refer to Fiscal Analysis section
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TECHNICAL CONSIDERATIONS: See Technical Considerations Section

FISCAL ANALYSIS

Bill Summary:

This bill makes a number of changes to both the criminal justice system and to other areas of State law. This incarceration note only provides a fiscal analysis of those aspects of the bill related to the new criminal penalties in the proposed legislation.

Section 2.(a) adds Xylazine to the Schedule III list of Controlled Substances. There are a number of criminal penalties that govern substances on Schedule III, and by adding a new substance to that Schedule, this section effectively creates 8 new criminal offenses:

- Simple possession (**Class 1 misdemeanor**)
- Attempting to possess or conspiring to possess (**Class 1 misdemeanor**)
- Manufacture or deliver, or possess with intent to manufacture, sell, or deliver (**Class I felony**)
- Possession if the quantity of the controlled substance, or combination of the controlled substances, exceeds 100 tablets, capsules, or other dosage units, or equivalent quantity (**Class I felony**)
- Create, sell, or deliver, or possess with intent to sell or deliver a counterfeit controlled substance (**Class I felony**)
- Attempting or conspiring to attempt any of the Class I felonies listed above (**Class I felony**)
- Selling a Schedule III controlled substance (**Class H felony**)
- Attempting or conspiring to attempt to sell the Schedule III controlled substance (**Class H felony**)

All of these are new criminal offenses, and there is no historic data available for cost projections, and as such **Fiscal Research is unable to provide any cost projections for this section.**

Section 2.(b) adds Kratom to the Schedule VI list of Controlled Substances. There are a number of criminal penalties that govern substances on Schedule VI, and by adding a new substance to that Schedule, this section effectively creates 7 new criminal offenses:

- Simple possession (**Class 3 misdemeanor**)
- Attempting to possess or conspiring to possess (**Class 3 misdemeanor**)
- Manufacture or deliver, or possess with intent to manufacture, sell, or deliver (**Class I felony**)
- Create, sell, or deliver, or possess with intent to sell or deliver a counterfeit controlled substance (**Class I felony**)
- Attempting or conspiring to attempt any of the Class I felonies listed above (**Class I felony**)
- Selling a Schedule VI controlled substance (**Class H felony**)
- Attempting or conspiring to attempt to sell the Schedule VI controlled substance (**Class H felony**)

All of these are new criminal offenses, and there is no historic data available for cost projections, and as such **Fiscal Research is unable to provide any cost projections for this section.**

Section 3 would create the new G.S. 14-318.7, *Exposing a Child to a Controlled Substance*, which creates five new felony offenses for knowingly, recklessly, or intentionally causing or permitting a child to be exposed to a controlled substance. The level of criminal offense varies depending on the result of the child’s exposure to the substance:

- Violation of subsection (b), simple exposure, is a **Class H felony**.
- Violation of subsection (c), exposure that results in the child ingesting the controlled substance, is a **Class E felony**.
- Violation of subsection (d), exposure that results in the child ingesting the controlled substance and the ingestion results in serious *physical* injury¹, is a **Class D felony**.
- Violation of subsection (e), exposure that results in the child ingesting the controlled substance and the ingestion results in serious *bodily* injury², is a **Class C felony**.
- Violation of subsection (f), exposure that results in the child ingesting the controlled substance and the ingestion is the proximate cause of the death of the child, is a **Class B1 felony**.

All of these are new criminal offenses, and there is no historic data available for cost projections, and as such **Fiscal Research is unable to provide any cost projections for this section.**

Capital Expenses

Capital costs emerge when prison bed demand exceeds capacity. Based on the most recent prison population and bed capacity projections from the Sentencing and Policy Advisory Commission (SPAC), the State will have sufficient prison beds available beyond the five-year fiscal note

¹ As defined in G.S. 14-318.4.(d).(2): “Physical injury that causes great pain and suffering. The term includes serious mental injury.”

² As defined in G.S. 14-318.(d).(1): “Bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.”

horizon. Therefore, Fiscal Research anticipates there will be **no additional prison capital requirements** as a result of this proposed legislation.

Operating Expenses

The table in the Fiscal Impact Summary lists the costs specific to the charge or charges included in this proposal.

TECHNICAL CONSIDERATIONS

- Due to delays in updated data availability, FRD must utilize 2023 data for Incarceration Notes for the beginning of the 2025 long session. Any changes are not expected to be significant, but FRD does plan to revisit Incarceration Notes prepared prior to the availability of updated data when and where appropriate later in the session.
- Offense changes are typically effective on December 1. FRD assumes that costs incurred in the first year to the judicial and correction systems would be less than annualized costs due to lag time in charges and convictions.
- This estimate assumes that expanding existing or creating new criminal offenses produces no deterrent or incapacitative effect on crime rates. Likewise, FRD assumes no deterrent effects for any modifications to criminal penalties. The estimates in this Incarceration Note make no assumptions about the larger impact on crime rates or costs to society or the State.
- This estimate makes no prediction regarding the likelihood that a prosecutor will charge an offense based on any proposed increases or decreases to the offense class level. This estimate also does not attempt to predict the impact of offense class changes on plea negotiations. FRD assumes the proposed offense class is charged and convicted at the same rate as the prior level.
- For reference, Appendix A to this document shows the costs per charge/conviction for each class of offense in North Carolina.

DATA SOURCES

Department of Adult Correction; Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission; Office of Indigent Defense Services.

LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS

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

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

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March 24, 2025



Signed copy located in the NCGA Principal Clerk's Offices

APPENDIX A: COSTS PER CHARGE/CONVICTION BY OFFENSE CLASS

Cost of One Charge and Conviction											
	Prosecution and Defense			Active Sentence					Suspended Sentence		
Offense Class	Admin. Office of the Courts	Indigent Defense Services		DAC - Confinement			DAC - Post-Release Supervision (PRS)		DAC - Probation		
Felony	Cost	Rate	Cost	Rate	Cost	Length (Mo.)	Cost	Length (Mo.)	Rate	Cost	Length (Mo.)
A	\$55,469	95%	\$11,967	100%	NA	Life	N/A	N/A	0%	N/A	0
B1	\$23,852	78%	\$4,187	100%	\$178,610	242	\$2,994	12	0%	N/A	0
B2	\$17,704	85%	\$4,187	100%	\$115,137	156	\$2,994	12	0%	N/A	0
C	\$8,598	82%	\$2,317	100%	\$63,473	86	\$2,994	12	0%	N/A	0
D	\$7,027	89%	\$1,744	100%	\$47,236	64	\$2,994	12	0%	N/A	0
E	\$3,281	79%	\$909	57%	\$19,928	27	\$2,994	12	43%	\$7,356	31
F	\$1,849	74%	\$849	51%	\$13,285	18	\$2,282	9	49%	\$7,119	30
G	\$1,525	78%	\$706	39%	\$11,071	15	\$2,282	9	61%	\$6,170	26
H	\$1,016	78%	\$510	33%	\$8,119	11	\$2,282	9	67%	\$5,933	25
I	\$740	68%	\$407	15%	\$4,428	6	\$2,282	9	85%	\$5,221	22
Misdemeanor	Cost	Rate	Cost	Rate	Cost	Length (Days)			Rate	Cost	Length (Mo.)
A1	\$580	52%	\$281	Active sentences for misdemeanor convictions are served in County jail.			Misdemeanants do not receive PRS		64%	\$3,797	16
1	\$335	62%	\$237						64%	\$3,322	14
2	\$178	30%	\$237						78%	\$3,085	13
3	\$63	14%	\$202						84%	\$3,085	13

Note: Court costs reflect the average cost per disposition. Costs for active sentences, probation, and post-release supervision reflect the total cost of the sentence or supervision period. Costs to the Statewide Misdemeanant Confinement Program (SMCP) only occur for active sentences > 90 days and for impaired driving.