



NORTH CAROLINA GENERAL ASSEMBLY

Session 2021

Legislative Incarceration Fiscal Note

Short Title: Amend NC Controlled Substances Act.
Bill Number: Senate Bill 321 (Second Edition)
Sponsor(s): Senators McInnis, Lazzara, and Edwards

SUMMARY TABLE

FISCAL IMPACT OF S.B. 321, V.1 (\$ in millions)

	FY 2021-22		FY 2022-23		FY 2023-24		FY 2024-25		FY 2025-26	
State Impact										
General Fund Revenue	-	to -	-	to -	-	to -	-	to -	-	to -
Less Expenditures	<u>0.9</u>	to <u>3.7</u>	<u>1.6</u>	to <u>6.4</u>	<u>1.6</u>	to <u>6.4</u>	<u>1.6</u>	to <u>6.4</u>	<u>1.6</u>	to <u>6.4</u>
General Fund Impact	(0.9)	to (3.7)	(1.6)	to (6.4)	(1.6)	to (6.4)	(1.6)	to (6.4)	(1.6)	to (6.4)
NET STATE IMPACT	(\$0.9)	to (\$3.7)	(\$1.6)	to (\$6.4)	(\$1.6)	to (\$6.4)	(\$1.6)	to (\$6.4)	(\$1.6)	to (\$6.4)

FISCAL IMPACT SUMMARY

Sections 2, 4, and 6 of the bill would add various substances to the list of Schedule I, II, and IV controlled substances. Section 7 of the bill would create a new Class I felony that would effectively increase certain offenses that are currently Class 1 misdemeanors to Class I felonies.

New Class I Felony

Section 7 of the bill creates a new Class I felony for possession of fentanyl or carfentanil. Current law would punish possession under a Class 1 misdemeanor or, depending on the quantity, a Class I felony. In Calendar Year 2020, the Administrative Office of the Courts (AOC) reports that 9,812 defendants were charged under the Class 1 misdemeanor and the Sentencing and Policy Advisory Commission (SPAC) reports that in FY 2019-20, 682 offenders were convicted of the Class 1 misdemeanor. It is not known how many of these charges or convictions were for possession of fentanyl or carfentanil. Assuming that these numbers are typical, Fiscal estimates that the costs for this change from a Class 1 misdemeanor to a Class I felony to AOC and the Office of Indigent Defense Services (IDS) in the judicial branch and to the Division of Prisons (DOP) and Community Corrections Section at the Department of Public Safety (DPS), when annualized, as between \$1,591,525 and \$6,366,102 per year. The following charts show the basis for the estimates.

Maximum Charge Costs

Agency	Charges	Cost Difference between Class 1 and Class I	Maximum AOC Costs
AOC	9,812	\$333	\$3,267,396 (9,812 * \$333)

Agency	Charges	Offense Class	Percent of Cases Handled by IDS	Cost to PAC Fund	Maximum IDS Costs
IDS	9,812	Class 1	39%	\$205	\$784,469 (9,812 * 39% * \$205)
		Class I	68%	\$396	\$2,642,175 (9,812 * 68% * \$396)
	Increased costs to IDS				\$1,857,706 (\$2,642,175 - \$784,469)

Active Sentence Costs

Convictions	Cost Difference between Class 1 and Class I		Maximum Active Sentence Costs
102 (682 * 15%)	DOP Costs \$3,870	CCS Costs (for Post-Release Supervision) \$1,530	\$550,800 (682 * \$3,870) + (682 * \$1,530)

Suspended Sentence Costs

Convictions	Cost Difference between Class 1 and Class I		Maximum Suspended Sentence Costs
580 (682 * 85%)	\$1,190 ((\$3,740 for Class I - \$2,550 for Class 1))		\$690,200 (580 * \$1,190)

Since it is unknown how many of these charges or convictions were for possession of fentanyl or carfentanil, this chart shows a range of scenarios from 25% (the minimum) to 100% (the maximum) of the affected changes.

Percent	AOC	IDS	DPS	Total Cost
25%	\$816,099	\$464,427	\$310,250	\$1,590,776
50%	\$1,632,198	\$928,853	\$620,500	\$3,181,551
100%	\$3,267,396	\$1,857,706	\$1,241,000 ((\$550,800 + \$690,200))	\$6,366,102

The total annual cost range, therefore, is between \$1.6 million and \$6.4 million. The effective date is December 1, 2021, so the first-year costs have been prorated to reflect 7 months of implementation in FY 2021-22.

Schedule I, II, and IV controlled substances changes

Adding substances could result in additional charges and convictions for offenses related to each of the schedules of controlled substances. These offenses range from Class C felony to Class 1 misdemeanor. These criminal offense modifications may have a fiscal impact on the judicial and correction systems. However, due to a lack of sufficient historical data on this offense or similar offenses, the Fiscal Research Division (FRD) is unable to provide a reasonable estimate of the total fiscal impact. Each additional person charged with this crime will have a cost to the judicial system and each additional person convicted will have a cost to the correction system. Tables at the end of this section show cost of charges and convictions related to these changes. All costs in the tables have been annualized. 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.

Other related offenses

Besides offenses directly related to the schedules, there are a number of other offenses that are affected by any change in the schedules. The changes in this bill could increase charges and convictions for these offenses, too.

CHARGES

	<i>Charge</i>	<i>Cost per Charge</i>	<i>Cost of Staff</i>	<i>Equivalence</i>
Administrative Office of the Courts	Class C Felony	\$7,048	Deputy Clerk: \$54,532	8 new charges = 1 new Deputy Clerk
	Class D Felony	\$5,760		9 new charges = 1 new Deputy Clerk
	Class E Felony	\$2,689		20 new charges = 1 new Deputy Clerk
	Class F Felony	\$1,516		36 new charges = 1 new Deputy Clerk
	Class G Felony	\$1,250		44 new charges = 1 new Deputy Clerk
	Class H Felony	\$833		65 new charges = 1 new Deputy Clerk
	Class I Felony	\$607		90 new charges = 1 new Deputy Clerk
	Class 1 Misdemeanor	\$274		199 new charges = 1 new Deputy Clerk
Office of Indigent Defense Services	Class C Felony	Percent of cases handled by IDS: 82%		Increased cost to PAC Fund: \$1,904
	Class D Felony	Percent of cases handled by IDS: 89%		Increased cost to PAC Fund: \$1,568
	Class E Felony	Percent of cases handled by IDS: 79%		Increased cost to PAC Fund: \$867
	Class F Felony	Percent of cases handled by IDS: 74%		Increased cost to PAC Fund: \$826
	Class G Felony	Percent of cases handled by IDS: 78%		Increased cost to PAC Fund: \$632
	Class H Felony	Percent of cases handled by IDS: 78%		Increased cost to PAC Fund: \$475
	Class I Felony	Percent of cases handled by IDS: 68%		Increased cost to PAC Fund: \$396
	Class 1 Misdemeanor	Percent of cases handled by IDS: 39%		Increased cost to PAC Fund per charge: \$205

CONVICTIONS – ACTIVE SENTENCE

	<i>Charge</i>	<i>Avg. Active</i>	<i>Cost per Conviction</i>	<i>Cost of Staff</i>	<i>Equivalence</i>
DPS – Prisons	Class C Felony	100%	Custody: \$52,245		1 new conviction = 1 new CO

	Class D Felony	100%**	Custody: \$41,925	Correction Officer I: \$49,173	1 new conviction = 1 new CO
	Class E Felony	60%	Custody: \$16,770		3 new convictions = 1 new CO
	Class F Felony	53%	Custody: \$11,610		4 new convictions = 1 new CO
	Class G Felony	40%	Custody: \$9,030		5 new convictions = 1 new CO
	Class H Felony	34%	Custody: \$6,450		8 new convictions = 1 new CO
	Class I Felony	15%	Custody: \$3,870		13 new convictions = 1 new CO
DPS – Community Corrections	Class C Felony	100%	Post-Release Supervision: \$2,040	Probation Parole Officer (PPO): \$53,760	26 new convictions = 1 new PPO
	Class D Felony	100%**	Post-Release Supervision: \$2,040		26 new convictions = 1 new PPO
	Class E Felony	60%	Post-Release Supervision: \$2,040		26 new convictions = 1 new PPO
	Class F Felony	53%	Post-Release Supervision: \$1,530		35 new convictions = 1 new PPO
	Class G Felony	40%	Post-Release Supervision: \$1,530		35 new convictions = 1 new PPO
	Class H Felony	34%	Post-Release Supervision: \$1,530		35 new convictions = 1 new PPO
	Class I Felony	15%	Post-Release Supervision: \$1,530		35 new convictions = 1 new PPO

Active sentences for misdemeanors are served in county jails and do not require post-release supervision.

CONVICTIONS – SUSPENDED SENTENCE

	Charge	Avg. Suspended	Cost per Conviction	Cost of Staff	Equivalence
DPS – Community Corrections	Class C Felony	No non-active sentences at this class of felony.			
	Class D Felony	3%**	Supervision: \$5,950	PPO: \$53,760	9 new convictions = 1 new PPO
	Class E Felony	40%	Supervision: \$5,440		10 new convictions = 1 new PPO
	Class F Felony	47%	Supervision: \$5,270		10 new convictions = 1 new PPO
	Class G Felony	60%	Supervision: \$4,590		12 new convictions = 1 new PPO
	Class H Felony	66%	Supervision: \$4,420		12 new convictions = 1 new PPO
	Class I Felony	85%	Supervision: \$3,740		14 new convictions = 1 new PPO
	Class 1 Misdemeanor	62%	Supervision: \$2,550		21 new convictions = 1 new PPO

* All costs annualized

**Active sentence rate estimated as 100% because a non-active sentence for Class D is only available as an exception to sentencing under the felony punishment chart

FISCAL ANALYSIS

General

The Sentencing and Policy Advisory Commission (SPAC) prepares prison population projections for each bill containing a criminal penalty. SPAC 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.

There are three types of changes to offenses: new offenses, change to offense class, or change to the scope of the offense which may lead to an increase or decrease in the number of offenders charged. FRD assumes that new offenses and changes to an offense's scope will have no historical data upon which to estimate the number of charges or convictions that might occur. FRD assumes that a change in offense class may have an unknown effect on charge or conviction numbers. To that end, FRD estimates the average cost to the judicial and correction systems for one additional charge or conviction.

Judicial Branch

The Administrative Office of the Courts (AOC) provides FRD with a fiscal impact analysis for most criminal penalty bills. Fiscal impact is typically based on the assumption that court time will increase due to anticipated increases in charges and corresponding increases in workload for judges, clerks, and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

Section 7 of the bill would create a new Class I felony that would effectively increase certain offenses that are currently Class 1 misdemeanors to Class I felonies. Sections 2, 4, and 6 of the bill would add various substances to the list of Schedule I, II, and IV controlled substances, which effectively expands the scope of offenses ranging from Class C to Class I felonies, as well as some Class 1 misdemeanors. The following table shows the cost per charge to AOC for each charge of the expanded scope of the felonies ranging from Class C to Class I and Class 1 misdemeanors, as well as the cost of the new felony that effective increases charges from Class 1 misdemeanors to Class I felonies.

<i>Agency</i>	<i>Charge</i>	<i>Cost per Charge</i>	<i>Cost of Staff</i>	<i>Equivalence</i>
Administrative Office of the Courts	Class C Felony	\$7,048	Deputy Clerk: \$54,532	8 new charges = 1 new Deputy Clerk
	Class D Felony	\$5,760		9 new charges = 1 new Deputy Clerk
	Class E Felony	\$2,689		20 new charges = 1 new Deputy Clerk
	Class F Felony	\$1,516		36 new charges = 1 new Deputy Clerk

	Class G Felony	\$1,250		44 new charges = 1 new Deputy Clerk
	Class H Felony	\$833		65 new charges = 1 new Deputy Clerk
	Class I Felony	\$607		90 new charges = 1 new Deputy Clerk
	Class 1 Misdemeanor	\$274		199 new charges = 1 new Deputy Clerk
	Increase from Class 1 Misdemeanor to Class I Felony	\$333		164 increased charges = 1 new Deputy Clerk

The Office of Indigent Defense Services (IDS) provides Fiscal Research with the frequency and cost of indigent defense services for each level of crime, including the cost differentials for district and superior court with and without a trial and the percentage of cases handled in each category. Fiscal Research uses this data to calculate a weighted average of IDS costs for each class of offense. This estimate assumes the appointment of a Private Assigned Counsel (PAC) attorney. In districts that have Public Defender (PD) offices, cases may be handled by those offices. In those instances, this cost may not be incurred, but the PD office may experience costs in terms of greater workload.

<i>Agency</i>	<i>Offense Class</i>	<i>Percent of Cases Handled by IDS</i>	<i>Increased cost to PAC Fund</i>
Office of Indigent Defense Services	Class C Felony	82%	\$1,904
	Class D Felony	89%	\$1,568
	Class E Felony	79%	\$867
	Class F Felony	74%	\$826
	Class G Felony	78%	\$632
	Class H Felony	78%	\$475
	Class I Felony	68%	\$396
	Class 1 Misdemeanor	39%	\$205
	Increase from Class 1 Misdemeanor to Class I Felony	29% increase in cases handled	\$191 in increased cost to the PAC Fund

Department of Public Safety – Prisons

Based on the most recent population projections and estimated bed capacity, the Prisons division will have surplus prison beds available for the five-year fiscal note horizon and beyond. Therefore, no additional prison beds will be required from the changes in this bill. SPAC provides a threshold analysis when it is not known how many offenders might be convicted and sentenced as a result of the proposed change. For each offense class, the threshold estimate is the number of convictions that result in the need for one prison bed in the first year.

Class C Felony

In FY 2019-20, 100% of Class C felony convictions resulted in active sentences with an average estimated time served of 81 months. The following table shows the estimated annual impact if there were 1 conviction (the threshold) or 20 convictions for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-

release supervision violations resulting in confinement, as well as growth rates adopted by the Sentencing Commission’s Forecasting Technical Advisory Group.

Estimated Prison Bed Impact Using Threshold Convictions and 20 Convictions Class C Felony					
Convictions	Year 1	Year 2	Year 3	Year 4	Year 5
1 (Threshold)	1	2	3	4	5
20	20	40	60	80	100

In addition to the capital costs that may be associated with additional bed needs, there are also per diem costs for housing inmates. The cost to add one additional inmate to the prison system based on FY 2019-20 expenditures is \$21.22 per day, or \$645 per month, which includes the cost of food, clothing, and health care. In FY 2019-20, 100% of Class C felony offenders received active sentences averaging 81 months. For every additional Class C felony offender receiving an active sentence, the cost to the prison section will be \$52,245 (\$645 monthly cost times 81 months).

Class D Felony

For resource projections, SPAC estimates the rate of Class D felony convictions resulting in active sentences at 100%, with an average estimated time served of 65 months. The following table shows the estimated annual impact if there were 1 conviction (the threshold) or 20 convictions for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as growth rates adopted by the Sentencing Commission’s Forecasting Technical Advisory Group.

Estimated Prison Bed Impact Using Threshold Convictions and 20 Convictions Class D Felony					
Convictions	Year 1	Year 2	Year 3	Year 4	Year 5
1 (Threshold)	1	2	3	4	5
20	20	40	60	80	100

In addition to the capital costs that may be associated with additional bed needs, there are also per diem costs for housing inmates. The cost to add one additional inmate to the prison system based on FY 2019-20 expenditures is \$21.22 per day, or \$645 per month, which includes the cost of food, clothing, and health care. In FY 2019-20, 100% of Class D felony offenders received active sentences averaging 65 months. For every additional Class D felony offender receiving an active sentence, the cost to the prison section will be \$41,925 (\$645 monthly cost times 65 months).

Class E Felony

In FY 2019-20, 60% of Class E felony convictions resulted in active sentences, with an average estimated time served of 26 months. The following table shows the estimated annual impact if there were 2 convictions (the threshold) or 20 convictions for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as growth rates adopted by the Sentencing Commission’s Forecasting Technical Advisory Group.

Estimated Prison Bed Impact Using Threshold Convictions and 20 Convictions Class E Felony					
Convictions	Year 1	Year 2	Year 3	Year 4	Year 5
2 (Threshold)	1	3	3	3	3
20	12	28	34	34	34

In addition to the capital costs that may be associated with additional bed needs, there are also per diem costs for housing inmates. The cost to add one additional inmate to the prison system based on FY 2019-20 expenditures is \$21.22 per day, or \$645 per month, which includes the cost of food, clothing, and health care. In FY 2019-20, 60% of Class E felony offenders received active sentences averaging 26 months. For every additional Class E felony offender receiving an active sentence, the cost to the prison section will be \$16,770 (\$645 monthly cost times 26 months).

Class F Felony

In FY 2019-20, 53% of Class F felony convictions resulted in active sentences, with an average estimated time served of 18 months. The following table shows the estimated annual impact if there were 2 convictions (the threshold) or 20 convictions for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as growth rates adopted by the Sentencing Commission's Forecasting Technical Advisory Group.

Estimated Prison Bed Impact Using Threshold Convictions and 20 Convictions Class F Felony					
Convictions	Year 1	Year 2	Year 3	Year 4	Year 5
2 (Threshold)	1	2	2	2	2
20	11	19	21	21	21

In addition to the capital costs that may be associated with additional bed needs, there are also per diem costs for housing inmates. The cost to add one additional inmate to the prison system based on FY 2019-20 expenditures is \$21.22 per day, or \$645 per month, which includes the cost of food, clothing, and health care. In FY 2019-20, 53% of Class F felony offenders received active sentences averaging 18 months. For every additional Class F felony offender receiving an active sentence, the cost to the prison section will be \$11,610 (\$645 monthly cost times 18 months).

Class G Felony

In FY 2019-20, 40% of Class G felony convictions resulted in active sentences, with an average estimated time served of 14 months. The following table shows the estimated annual impact if there were 3 convictions (the threshold) or 20 convictions for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as growth rates adopted by the Sentencing Commission's Forecasting Technical Advisory Group.

Estimated Prison Bed Impact Using Threshold Convictions and 20 Convictions Class G Felony					
Convictions	Year 1	Year 2	Year 3	Year 4	Year 5
3 (Threshold)	1	2	2	2	2
20	8	15	15	15	15

In addition to the capital costs that may be associated with additional bed needs, there are also per diem costs for housing inmates. The cost to add one additional inmate to the prison system based on FY 2019-20 expenditures is \$21.22 per day, or \$645 per month, which includes the cost of food, clothing, and health care. In FY 2019-20, 40% of Class G felony offenders received active sentences averaging 14 months. For every additional Class G felony offender receiving an active sentence, the cost to the prison section will be \$9,030 (\$645 monthly cost times 14 months).

Class H Felony

In FY 2019-20, 34% of Class H felony convictions resulted in active sentences, with an average estimated time served of 10 months. The following table shows the estimated annual impact if there were 4 convictions (the threshold) or 20 convictions for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as growth rates adopted by the Sentencing Commission’s Forecasting Technical Advisory Group.

Estimated Prison Bed Impact Using Threshold Convictions and 20 Convictions Class H Felony					
Convictions	Year 1	Year 2	Year 3	Year 4	Year 5
4 (Threshold)	1	2	2	2	2
20	6	11	11	11	11

In addition to the capital costs that may be associated with additional bed needs, there are also per diem costs for housing inmates. The cost to add one additional inmate to the prison system based on FY 2019-20 expenditures is \$21.22 per day, or \$645 per month, which includes the cost of food, clothing, and health care. In FY 2019-20, 34% of Class H felony offenders received active sentences averaging 10 months. For every additional Class H felony offender receiving an active sentence, the cost to the prison section will be \$6,450 (\$645 monthly cost times 10 months).

Class I Felony or Increase to a Class I Felony from Class 1 Misdemeanor

In FY 2019-20, 15% of Class I felony convictions resulted in active sentences, with an average estimated time served of 6 months. The following table shows the estimated annual impact if there were 10 convictions (the threshold) or 20 convictions for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as growth rates adopted by the Sentencing Commission’s Forecasting Technical Advisory Group.

Estimated Prison Bed Impact Using Threshold Convictions and 20 Convictions Class I Felony					
Convictions	Year 1	Year 2	Year 3	Year 4	Year 5
10 (Threshold)	1	3	3	3	3
20	2	5	5	5	5

In addition to the capital costs that may be associated with additional bed needs, there are also per diem costs for housing inmates. The cost to add one additional inmate to the prison system based on FY 2019-20 expenditures is \$21.22 per day, or \$645 per month, which includes the cost of food, clothing, and health care. In FY 2019-20, 15% of Class I felony offenders received active sentences averaging 6 months. For every additional Class I felony offender receiving an active sentence, the cost to the prison section will be \$3,870 (\$645 monthly cost times 6 months).

Class 1 Misdemeanor

SPAC expects no impact on the prison population because all misdemeanor offenders who receive active sentences will serve them in the local jail.

Department of Public Safety – Community Corrections

All misdemeanor offenders may be given suspended sentences exclusively or in conjunction with imprisonment (split-sentence). All felony offenders may be given exclusively active or suspended sentences or suspended in conjunction with imprisonment (split-sentence). Under S.L. 2011-192, the Justice Reinvestment Act (JRA), both community and intermediate probation may include sanctions such as electronic monitoring, short-term periods of confinement, community service, substance abuse assessment, monitoring, and treatment, or participation in educational programs or vocational skills development. Whether a probationer is subject to more stringent conditions is determined by the results of a risk-needs assessment administered by the Department of Public Safety.

Active Sentence

All active sentences for felony offenses result in a minimum of 12 months of post-release supervision (PRS) for B-E level offenses. All active sentences for felony offenses result in a minimum of nine months of PRS for F-I level offenses. All types of PRS are supervised by the Community Corrections Section (CCS). Based on FY 2019-20 expenditures, supervision by a probation officer costs \$170 per offender per month; no cost is assumed for those receiving unsupervised probation or who are only ordered to pay fines, fees, or restitution. Total costs are based on average supervision length and the percentage of offenders (per offense class) sentenced to active sentences requiring post-release supervision and supervised probation.

Class C, Class D, and Class E Felony

In FY 2019-20, 100% of Class C and Class D felony convictions resulted in active sentences. 60% of Class E felony convictions resulted in active sentences. For every additional Class C, Class D, or Class E felony offender receiving an active sentence, the cost to CCS of 12 months of PRS is \$2,040 per offender (\$170 per month times 12 months).

Class F, Class G, Class H, and Class I Felony

In FY 2019-20, 53% of offenders convicted of Class F felonies resulted in an active sentence. 40% of offenders convicted of Class G felonies resulted in an active sentence. 34% of offenders convicted of Class H felonies resulted in an active sentence. 15% of offenders convicted of Class I felonies resulted in an active sentence. For every additional Class F, Class G, Class H, or Class I felony offender receiving an active sentence, the cost to CCS of nine months of PRS is \$1,530 per offender (\$170 per month times 9 months).

Class 1 Misdemeanor

In FY 2019-20, 38% of Class 1 misdemeanor offenders received active sentences. Active misdemeanor sentences are served in local jails and do not require any post-release supervision.

Suspended Sentence

Class C Felony

CCS also oversees probation. There are no non-active sentences at this offense class.

Class D Felony

In FY 2019-20, 3% of Class D felony offenders received a non-active sentence. The average length of probation imposed for this offense class was 35 months. For every additional Class D felony offender receiving a non-active sentence, the average cost to CCS would be \$5,950 (\$170 per month times 35 months). Because the annual cost of a probation parole officer (PPO) is \$53,760, FRD finds that 9 convictions of this expanded offense resulting in a suspended sentence would be equivalent to increasing the workload need of CCS by one PPO.

Class E Felony

In FY 2019-20, 40% of Class E felony offenders received suspended sentences. The average length of probation imposed for this offense class was 32 months. For every additional Class E felony offender receiving a non-active sentence, the average cost to CCS would be \$5,440 (\$170 per month times 32 months). Because the annual cost of a PPO is \$53,760, FRD finds that 10 convictions of this expanded offense resulting in a suspended sentence would be equivalent to increasing the workload need of CCS by one PPO.

Class F Felony

In FY 2019-20, 47% of Class F felony offenders received suspended sentences. The average length of probation imposed for this offense class was 31 months. For every additional Class F felony offender receiving a non-active sentence, the average cost to CCS would be \$5,270 (\$170 per month times 31 months). Because the annual cost of a PPO is \$53,760, FRD finds that 10 convictions of this expanded offense resulting in a suspended sentence would be equivalent to increasing the workload need of CCS by one PPO.

Class G Felony

In FY 2019-20, 60% of Class G felony offenders received suspended sentences. The average length of probation imposed for this offense class was 27 months. For every additional Class G felony offender receiving a non-active sentence, the average cost to CCS would be \$4,590 (\$170 per month times 27 months). Because the annual cost of a PPO is \$53,760, FRD finds that 12 convictions of this



expanded offense resulting in a suspended sentence would be equivalent to increasing the workload need of CCS by one PPO.

Class H Felony

In FY 2019-20, 66% of Class H felony offenders received suspended sentences. The average length of probation imposed for this offense class was 26 months. For every additional Class H felony offender receiving a non-active sentence, the average cost to CCS would be \$4,420 (\$170 per month times 26 months). Because the annual cost of a PPO is \$53,760, FRD finds that 12 convictions of this expanded offense resulting in a suspended sentence would be equivalent to increasing the workload need of CCS by one PPO.

Class I Felony

In FY 2019-20, 85% of Class I felony offenders received suspended sentences. The average length of probation imposed for this offense class was 22 months. For every additional Class I felony offender receiving a non-active sentence, the average cost to CCS would be \$3,740 (\$170 per month times 22 months). Because the annual cost of a PPO is \$53,760, FRD finds that 14 convictions of this expanded or increased offense resulting in a suspended sentence would be equivalent to increasing the workload need of CCS by one PPO.

Class 1 Misdemeanor

In FY 2019-20, 62% of Class 1 misdemeanor offenders received probation. The average length of probation imposed for this class of offense was 15 months. Therefore, at a minimum, one Class 1 misdemeanor conviction resulting in probation will require at least 15 months of supervision. The cost of 15 months of supervision is \$2,550 per offender (\$170 per month times 15 months). Because the annual cost of a PPO is \$53,760, FRD finds that 21 convictions of the expanded offense resulting in a suspended sentence would be equivalent to increasing the workload need of CCS by one PPO.

TECHNICAL CONSIDERATIONS

N/A.

DATA SOURCES

Department of Public Safety; 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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