



NORTH CAROLINA GENERAL ASSEMBLY

2025 Session

Legislative Incarceration Fiscal Note

Short Title: Protecting First Responders Act.
Bill Number: Senate Bill 361 (First Edition)
Sponsor(s): Sen. W. Ted Alexander, Sen. Danny Earl Britt, Jr., and Sen. Jim Burgin

SUMMARY TABLE

PARTIAL FISCAL IMPACT OF S.B.361, 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	206,181	362,374	371,049	379,160	386,811
General Fund Impact	(206,181)	(362,374)	(371,049)	(379,160)	(386,811)

NET STATE IMPACT

Partial Estimate Available - Refer to Fiscal Analysis Section

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 amend an existing offense related to assault or affray on a firefighter or other medical personnel by expanding the scope of potential emergency responder victims and increasing the offense level from a Class I to a Class H felony. It also creates new Class G, H, and I felonies related to exposing emergency responders to harmful substances and failing to inform responders of the presence of harmful substances. **Fiscal Research is only able to provide a fiscal impact for increasing the offense level and estimates that change to have an annual net fiscal impact of approximately \$360,000 in additional costs to the State in the first full year of implementation.** The impact for FY 2025-26 has been prorated to reflect the legislation's December 1st effective date. The impact for future years has been adjusted for inflation. For the expanded scope and new offenses, there is no data to predict how many individuals may be charged or convicted. For those changes, Fiscal Research cannot project the impact 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 in S361, v.1										
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	Cost	Rate	Cost	Length (Mo.)	Cost	Length (Mo.)	Rate	Cost	Length (Mo.)
▲ I to H	+\$354	+\$87	+20%	+\$10,775	+4	\$0	0	-20%	+\$842	3
G	\$1,951	\$660	41%	\$40,406	15	\$2,527	9	59%	\$7,301	26
H	\$1,300	\$517	36%	\$26,937	10	\$2,527	9	64%	\$6,739	24
I	\$946	\$430	16%	\$16,162	6	\$2,527	9	84%	\$5,897	21

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. The triangle symbols (▲) represent change, plus and minus (+/-) symbols reflect the increase or decrease in cost or time from the current to proposed changes in charge levels.

FISCAL ANALYSIS

Section 2.(a) of the proposed legislation amends G.S. 14-34.6 (Assault or affray on a firefighter, an emergency medical technician, medical responder, and medical practice and hospital personnel) to **increase the offense level from a Class I to Class H felony**.

- In CY 2024, there were 277 defendants charged with violating G.S. 14-34.6(a).
- In FY 2024, there were 36 Class I felony convictions for violating G.S. 14-34.6(a).

If the same number of defendants are charged after passage of this bill, the elevation to a Class H felony would cost the **Administrative Office of the Courts \$98,058 annually and Indigent Defense Services \$24,099**.

If the same number of defendants are convicted after passage of this bill, the elevation would cost the Department of Adult Correction (DAC) \$253,209 in confinement costs annually but would save \$21,913 in probation costs for a **net cost to DAC of \$231,296 annually. In total, the elevation would cost the State \$353,453 annually**.

Section 2.(a) also expands the scope of emergency responder victims that would make the assault or affray eligible for prosecution under the statute. The impact of broadening the victims cannot be determined. As such, **Fiscal Research is unable to provide any cost projections for expanding the scope of the Class H felony**.

Section 2.(b) of the proposed legislation creates G.S. 14-286.3 (Exposing certain emergency responders to fentanyl or other harmful drug or chemical agent; failure to notify certain emergency responders of presence of fentanyl or other harmful drug or chemical agent). It creates

a **Class H felony** for unlawfully and intentionally possessing fentanyl or any other harmful drug or chemical agent and exposing an emergency responder to the fentanyl or other harmful drug or chemical agent. It becomes a **Class G felony** if the emergency responder suffers serious bodily injury as a result of the exposure. Lastly, it creates a **Class I felony** if the person knows fentanyl or any other harmful drug or chemical agent are unlawfully present at a location an emergency responder is responding to and willfully fails to notify the responder of the presence of the substance prior to the responder arriving at the location. Subsection (e) clarifies that each violation constitutes a separate offense.

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

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 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

- 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 and Technical Consideration sections 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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May 12, 2025



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APPENDIX A: COSTS PER CHARGE/CONVICTION BY OFFENSE CLASS

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	Cost	Rate	Cost	Length (Mo.)	Cost	Length (Mo.)	Rate	Cost	Length (Mo.)
A	\$70,930	\$9,190	100%	NA	Life	N/A	N/A	0%	\$0	0
B1	\$30,500	\$3,668	100%	\$622,245	231	\$3,370	12	0%	\$0	0
B2	\$22,638	\$3,668	100%	\$371,731	138	\$3,370	12	0%	\$0	0
C	\$10,994	\$2,250	100%	\$223,577	83	\$3,370	12	0%	\$0	0
D	\$8,984	\$1,503	100%	\$161,622	60	\$3,370	12	0%	\$0	0
E	\$4,197	\$890	57%	\$70,036	26	\$3,370	12	43%	\$8,986	32
F	\$2,364	\$765	54%	\$48,487	18	\$2,527	9	46%	\$8,424	30
G	\$1,951	\$660	41%	\$40,406	15	\$2,527	9	59%	\$7,301	26
H	\$1,300	\$517	36%	\$26,937	10	\$2,527	9	64%	\$6,739	24
I	\$946	\$430	16%	\$16,162	6	\$2,527	9	84%	\$5,897	21
Misdemeanor	Cost	Cost	Rate	Cost	Length (Mo.)	Cost	Length (Mo.)	Rate	Cost	Length (Mo.)
A1	\$599	\$284	Active sentences for misdemeanor convictions are served in County jail.			Misdemeanants do not receive PRS		61%	\$4,493	16
1	\$346	\$254						61%	\$3,931	14
2	\$183	\$254						75%	\$3,650	13
3	\$63	\$210						82%	\$3,650	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. Active sentence cost represents the average monthly cost per offender, not the cost of adding one new offender to the prisoner population. Costs to the Statewide Misdemeanant Confinement Program (SMCP) only occur for active sentences > 90 days and for impaired driving.

