

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 689

SHORT TITLE: Third Degree Trespass

SPONSOR(S): Representatives Holmes and J. Brown

FISCAL IMPACT: Expenditures: Increase () Decrease ()
 Revenues: Increase () Decrease ()
 No Impact (X)
 No Estimate Available ()

FUNDS AFFECTED: General Fund () Highway Fund () Local Fund ()
 Other Fund ()

BILL SUMMARY: WILKES/YADKIN 3RD DEGREE TRESPASS. "TO CREATE THE OFFENSE OF THIRD DEGREE TRESPASS IN WILKES AND YADKIN COUNTIES." Extends provisions of 1991 SL Ch. 862 to Wilkes and Yadkin counties. Third degree trespass constitutes entering or remaining on the premises of another, without written authorization, for the purpose of hunting, fishing, trapping, loitering, or operating an all-terrain vehicle, and is a misdemeanor punishable by imprisonment for up to 30 days, a fine of up to \$200, or both. Effective December 1, 1993, and applicable to offenses committed on or after that date.

WILKES/YADKIN/STOKES TRESPASS. Introduction 3/31. House amendment makes the act applicable to Stokes County.

THIRD DEGREE TRESPASS. Introduction 3/31; amended 4/28. Senate committee substitute, as amended, replaces original local bill with "AN ACT TO CREATE A NEW OFFENSE OF THIRD DEGREE TRESPASS." Effective December 1, 1993 (with savings clause for prosecutions for offenses occurring prior to effective date) repeals 1991 SL Ch. 252 and 1992 SL Ch. 862 (relating to third degree trespass in Davidson and Rowan Counties); and adds new G.S. 14-159.13A, effective December 1, 1993 making it a misdemeanor (punishable by imprisonment for not more than 30 days, a fine of not more than \$200, or both) for a person to enter or remain on the premises of another, without written authorization, for the purpose of operating an all-terrain vehicle.

EFFECTIVE DATE: Dec. 1, 1993

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Branch; Department of Correction

FISCAL IMPACT

	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98	<u>FY</u>
98-99					
EXPENDITURES	0	0	0	0	0
RECURRING					
NON-RECURRING					

REVENUES/RECEIPTS 0 0 0 0 0

POSITIONS:

ASSUMPTIONS AND METHODOLOGY: Judicial Branch

The Administrative Office of the Courts (AOC) does not anticipate that this legislation would have a significant fiscal impact on the Judicial Branch since relatively few new cases would be filed.

From the 8 districts which were sampled by the AOC (which represents about one-fourth of the state), district attorneys estimated a total of 1,145 new filings. Thus, the estimated state total would be 4,580 (1,145 x 4) new misdemeanor case filings in district court per year.

Based on the district attorneys' estimates concerning the amount of time that these cases would require (an average of less than 30 minutes per case), the AOC anticipates that the additional workload in each district could be absorbed within existing resources.

The most likely area of fiscal impact on the Judicial Branch would be the provision of indigent defense. However, district attorneys agreed that the court would appoint defense counsel only rarely. There was consensus among district attorneys that in the vast majority of cases the likely sentencing outcome would be payment of court costs, with possibly a small fine (rarely exceeding \$25).

Likewise, the proposed legislation is not anticipated to have a significant impact on the Department of Correction, assuming that the courts would order active sentences in a very minimal of cases.

Subsequently, based on this information, no significant fiscal impact is anticipated for the Judicial Branch or Department of Correction at this time.

SOURCES OF DATA: Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Charles E. Perusse
Carolyn H. Wyland

APPROVED BY: Tom Covington **TomC**

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