

FISCAL IMPACT

FY 95-96 FY 96-97 FY 97-98 FY 98-99
FY99-00

EXPENDITURES
NON-RECURRING

RECURRING NO ESTIMATE AVAILABLE

ASSUMPTIONS AND METHODOLOGY:

The Administrative Office of the Courts expects that more actions may be brought with the addition of county, municipality, police chief, and sheriff to the list of those under G.S. 19-2.1 who may initiate a civil action to abate a nuisance. However, they have no way of estimating the magnitude of the increase or the number of new abatement actions.

Proposed G.S. 19-6.1 provides, under certain circumstances, for the forfeiture of real property on which exists a nuisance consisting of or including the illegal possession or sale of narcotic drugs. If the plaintiff requests forfeiture as part of the relief sought, and the judgment in an abatement actions is against the defendant(s), forfeiture occurs either when the court finds that all owners had participated in or had prior knowledge of the nuisance, or when, after finding that not all owners had participated in or had prior knowledge of the nuisance, and after entering a judgment ordering that the nuisance is abated, the court finds, pursuant to a subsequent petition by plaintiff and hearing, that the nuisance has recurred or continued. With forfeiture a possible option, these matters are very likely to be contested, leading to more jury trials.

Counties and municipalities would have both the power and incentive to pursue these actions, given that they would receive the forfeited property. Therefore, the Administrative Office of the Courts would expect some increase in the number of abatement of nuisance hearings related to the sale or possession of narcotic drugs. The Administrative Office of the Courts would also expect that there would be court challenges to the law, given the severe consequences of the abatement action in these circumstances. However, no precise estimate is available due to the lack of any relevant data.

SOURCES OF DATA: Administrative Office of the Courts

TECHNICAL CONSIDERATIONS: None
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