

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** Senate Bill 1011 / House Bill 1227

**SHORT TITLE:** Bullet Proof Vest/Commit Felony

**SPONSOR(S):** Senator Roy Cooper / Representative Jim Horn

**FISCAL IMPACT**

**Yes ( )      No (X)      No Estimate Available ( )**

**FY 1999-00   FY 2000-01   FY 2001-02   FY 2002-03   FY 2003-04**

**REVENUES**

**EXPENDITURES**      NONE

**POSITIONS:**

**PRINCIPAL DEPARTMENT(S) &**

**PROGRAM(S) AFFECTED:** Administrative Office of the Courts; Department of Correction

**EFFECTIVE DATE:** December 1, 1999; applies to offenses on or after that date

**BILL SUMMARY:** SB 1011 adds a new section GS 15a-1340.16(C) to increase by one class level the underlying felony offense where it was determined that the defendant possessed a bullet-proof vest during the commission of the felony. However, if evidence of the bullet-proof vest is necessary to prove the underlying felony charge, the charge shall not be enhanced.

**ASSUMPTIONS AND METHODOLOGY:**

Neither the Judicial Branch nor the Sentencing Commission has data on the frequency with which bullet-proof vests are used in the commission of a felony. The North Carolina Sheriff's Association has no record of such incidents. Based on this, the Fiscal Research Division does not project any impact on the Department of Correction. While increasing the level of a offense would cause defendants to pursue a more vigorous defense, the expectation of very few cases means we do not project any noticeable impact on the Judicial Branch.

**FISCAL RESEARCH DIVISION 733-4910**

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**APPROVED BY:** Tom Covington

**DATE:** Wednesday, April 28, 1999



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