

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 899 < 2nd Edition>
SHORT TITLE: Amend Obstruct or Delay Public Officer
SPONSOR(S): Representatives Hensley and Blue

FISCAL IMPACT

Yes ()	No (X)	No Estimate Available (X) (county jails)		
<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>

REVENUES

EXPENDITURES

Department of Correction –No fiscal impact
Judicial Branch – No estimate available

(Although we cannot project the number of new county jail inmates due to this bill, it should be noted that Class 2 and Class 3 misdemeanants could receive active jail sentences.)

POSITIONS: 0

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch and Dept. of Correction

EFFECTIVE DATE: This act is effective on December 1, 2001, and applicable to offenses committed on or after that date.

BILL SUMMARY:

Current G.S. 14-223 makes it a Class 2 misdemeanor to willfully and unlawfully resist, delay or obstruct a public officer in discharging or attempting to discharge a duty of his or her office. This bill would amend that statute, separating those offenses into subsections (a) and (b). G.S. 14-223(a) would cover the existing offense of willfully or unlawfully resisting a public officer. This offense would remain a Class 2 misdemeanor. The existing offenses of willfully and unlawfully delaying or obstructing a public officer are placed in new G.S. 14-223(b), and would be a Class 3 rather than a Class 2 misdemeanor.

ASSUMPTIONS AND METHODOLOGY:

The Sentencing Commission and the Administrative Office of the Courts (AOC) indicate that the AOC criminal database identifies the number of offenders convicted for resisting, delaying or obstructing an officer as a single offense code. For calendar year 2000, there were 25,054 defendants charged under current G.S. 14-223. During a similar time period (99-00), the Sentencing Commission notes there were 6,872 convictions. Since the data do not distinguish among persons charged or convicted with resisting, delaying or obstructing an officer, an estimate of the impact of this bill cannot be determined.

Department of Correction

The Sentencing Commission is unable to provide an estimate of the fiscal impact of HB 899 on the Department of Correction due to the lack of data. However, since the conduct affected by the proposed bill involves the reclassification of a misdemeanor offense, Fiscal Research believes the reclassification is not expected to have an impact on the prison population. It is possible that the reclassification could have an impact on county jail populations.

The Sentencing Commission indicates that 11% of Class 2 misdemeanor convictions resulted in active sentences. The average sentence length imposed was 24 days. Seventeen percent of Class 3 misdemeanor convictions resulted in active sentences. The average sentence length imposed was 8 days. Offenders serving active sentences of 90 days or less are housed in county jails.

Judicial Branch

Given that there is no method to distinguish among persons charged with resisting, delaying or obstructing an officer, there is no estimate available of the fiscal impact on the Judicial Branch. However, it is important to note that under this bill, there could be an increase in court workload. There may be, for example, many instances in which the defendants are charged with multiple offenses for conduct that would be only one charge under current law, thereby making cases more time consuming and costly.

SOURCES OF DATA: Department of Correction; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None
FISCAL RESEARCH DIVISION: 733-4910
PREPARED BY: Lisa Robinson and Jim Mills
APPROVED BY: James D. Johnson
DATE: May 21, 2001



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