

# GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

## Legislative Fiscal Note

**BILL NUMBER:** House Bill 421 (First Edition)

**SHORT TITLE:** Use of Deadly Force/SBI Investigations.

**SPONSOR(S):** Representative K. Alexander

### FISCAL IMPACT

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

FY 2009-10    FY 2010-11    FY 2011-12    FY 2012-13    FY 2013-14

**REVENUES:**

**EXPENDITURES:**

**PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:** Department of Justice, Judicial Branch

**EFFECTIVE DATE:** This act is effective when it becomes law.

### BILL SUMMARY:

Amends GS 147-90 to require an investigation by the State Bureau of Investigation, when requested of the district attorney by a surviving spouse or next of kin, into any instance in which a private citizen is killed as a result of the use of a firearm, taser, taser-like device, chemical spray, or any other physical force sufficient to cause death by a law enforcement officer in the line of duty. (The current law requires such a report only in instances where a law enforcement officer uses a firearm.) Requires any report prepared for the district attorney as a result of an investigation requested under this statute to be released to the decedent's next of kin, the press, and the internal affairs unit of the agency employing the affected law enforcement officer. Removes the provision that (1) provides that statements prepared by or on the behalf of a district attorney under this statute are not public record and (2) allows for the release of the statements by the district attorney only as provided under GS 132-1.4.

*Source: Bill Digest H.B. 421 (03/04/0200)*

### ASSUMPTIONS AND METHODOLOGY:

#### Administrative Office of the Courts

The Bureau of Justice Statistics (BJS) in the U.S. Department of Justice reports that, in the three-year period from 2003 to 2005, there were 58 arrest-related deaths in North Carolina. Of these

deaths, 19 were due to homicide by a law enforcement officer and another 13 were accidental. In 2005 alone, data show eight (8) deaths due to law enforcement homicides.

Since it is likely that most arrest-related deaths are already investigated, this bill does not increase the potential number of investigations. National data indicate that the vast majority (96%) of homicides by law enforcement officers involved the use of a firearm by officers. It should be noted, however, that national trend data also show an increasing number of arrest-related deaths involving the use of tasers or other conducted-energy devices. Further, some weapons-related deaths may be coded as accidents rather than homicides in the BJS data.

This bill would also require that investigation reports be handled in a substantially different way from current practice, particularly with regard to releasing the report to the press. Typically, while the district attorney's office makes statements to the press, the investigative report itself is not released. In some cases, district attorneys may permit family members of the deceased to read the report. It is possible that the requirement to release investigation reports will impact district attorney resources. There is not adequate data available to estimate the fiscal impact of the additional demands on current resources.

**Department of Justice**

The Department of Justice (DOJ) did not respond to Fiscal Research's request for information regarding the fiscal impact of this bill.

**SOURCES OF DATA:** Administrative Office of the Courts

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION:** (919) 733-4910

**PREPARED BY:** Danielle Seale, Douglas Holbrook

**APPROVED BY:**

Bob Weiss  
on behalf of Marilyn Chism, Director  
Fiscal Research Division



**DATE:** April 2, 2009

**Signed Copy Located in the NCGA Principal Clerk's Offices**