LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 116** HLS 11RS 433
Bill Text Version: **ENROLLED**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: June 20, 2011 9:29 AM
Author: STIAES
Dept./Agy.: Law Enforcement
Subject: Prohibition of Destruction of Evidence
Analyst: Matthew LaBruyere

LAW ENFORCE/CRIM JUS COM EN SEE FISC NOTE LF EX See Note

Prohibits the destruction of biological evidence collected pursuant to the investigation of certain criminal offenses

Proposed legislation retains present law and provides that prior to December 31, 2012, no criminal justice agency or clerk of court shall destroy any biological evidence in its possession collected in relation to the investigation, prosecution, or adjudication of any homicide, rape, or armed robbery. Proposed legislation applies only in cases in which an offender has been convicted at trial or has entered a guilty plea pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), and the offender is in the custody of the Dept. of Public Safety and Corrections. Proposed legislation also defines "biological evidence" and "criminal justice agency."

EXPENDITURES	**2011-12**	**2012-13**	**2013-14**	**2014-15**	**2015-16**	**5 -YEAR TOTAL**
State Gen. Fd.	$0	$0	$0	$0	$0	**$0**
Agy. Self-Gen.	$0	$0	$0	$0	$0	**$0**
Ded./Other	$0	$0	$0	$0	$0	**$0**
Federal Funds	$0	$0	$0	$0	$0	**$0**
Local Funds	SEE BELOW	$0	$0	$0	$0	**$0**
Annual Total	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**

REVENUES	**2011-12**	**2012-13**	**2013-14**	**2014-15**	**2015-16**	**5 -YEAR TOTAL**
State Gen. Fd.	$0	$0	$0	$0	$0	**$0**
Agy. Self-Gen.	$0	$0	$0	$0	$0	**$0**
Ded./Other	$0	$0	$0	$0	$0	**$0**
Federal Funds	$0	$0	$0	$0	$0	**$0**
Local Funds	$0	$0	$0	$0	$0	**$0**
Annual Total	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on state governmental expenditures as a result of this measure. The Department of Public Safety indicated this legislation would not result in an increase in expenditures since most evidence collected relating to homicide, rape, or armed robbery remains with local law enforcement.

The proposed legislation could result in an indeterminable increase in local fund expenditures in FY 12 related to the storage of evidence collected in relation to the investigation, prosecution, or adjudication of any homicide, rape, or armed robbery cases in which an offender has been convicted at trial or has entered a guilty plea pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), and the offender is in the custody of the Dept. of Public Safety and Corrections.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules House

☐ 13.5.1 >= $100,000 Annual Fiscal Cost {S&H}
☐ 13.5.2 >= $500,000 Annual Tax or Fee Change {S&H}
☐ 6.8(F)1 >= $500,000 Annual Fiscal Cost {S}
☐ 6.8(F)2 >= $100,000 Annual SGF Cost {H&S}
☐ 6.8(G) >= $500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

Evan Brasseaux
Staff Director