

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB-278 (2nd Edition)
SHORT TITLE: Theft of Gasoline/License Suspension
SPONSOR(S): Senators Hagan, Carter, Clodfelter, et al.

FISCAL IMPACT

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

Highway Fund --No estimate available at this time

EXPENDITURES

Highway Fund \$13,120
DMV, IT Section

Judicial Branch

AOC-- No estimate available at this time but a substantial impact not expected
Court and Technology \$14,400
Services

County Jails --No estimate available at this time (If sentencing under this new law follows the pattern of sentencing for existing Class 1 Misdemeanors, it could result in additional inmate days in county jails per year)

POSITIONS: 0

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch; Department of Motor Vehicles; Driver License Section and Information Technology; Dept of Correction; County Jails

EFFECTIVE DATE: Applies to offenses committed on or after December 1, 2001

BILL SUMMARY:

Adds new GS 14-72.5 to provide that any person taking or carrying away motor fuel with the intent to steal shall be guilty of a Class 1 misdemeanor. It requires the court to report convictions of violations of this section to the Division of Motor Vehicles. If a person's license is suspended pursuant to G.S. 20-17(a)(16), the court may allow limited driving privileges not to exceed the period of revocation. Adds new GS 20-17(a)(16) to provide that the court, for a second offense or subsequent conviction of larceny of motor fuel under G.S. 14-72.5, shall order suspension of the person's driver license. Amends G.S. 20-19 to read that the period of revocation is 90 days for a second conviction and six months for a third or subsequent conviction.

ASSUMPTIONS AND METHODOLOGY:

Department of Motor Vehicles

Any person whose drivers license has been revoked pursuant to the provisions of Chapter 20, other than G.S. 20-17(2), shall pay a restoration fee of twenty-five dollars (\$25.00). The fee shall be paid to the Division prior to the issuance to such person of a new drivers license or the restoration of the driver license. The twenty-five dollar (\$25.00) fee shall be deposited in the Highway Fund. At this time there is no reliable data on the number of drivers that would require a suspension due to a conviction under the proposed bill. Consequently, DMV cannot determine the amount of restoration fees to be collected.

Information Technology would have to make changes to the suspension program of the State Automated Driver License System (SADLS) to accommodate this new offense. Specifically, it would require 164 hours of programming time at \$80 per hour, or \$13,120.

Judicial Branch

According to Administrative Office of the Courts (AOC), 28,968 defendants were charged with misdemeanor larceny under G.S. 14-72 in calendar year 2000. In addition, 236 defendants were charged with attempted misdemeanor larceny during calendar year 2000. Yet, data are not available on how many of these defendants charged with misdemeanor larceny offenses may have engaged in gasoline theft. The N.C. Petroleum Marketers Association (NCPMA) also provided data estimating revenue and gasoline losses due to these gasoline theft offenses. However, NCPMA had no data on the frequency of the offenses and number of individuals who drive away without paying for gasoline. Consequently, AOC cannot provide an estimate on the impact to the court system.

The committee substitute provides that the court report final convictions of violations to DMV. This would require Court Services (CSD) and Technology Services (TSD) divisions to spend approximately six weeks programming the new offense and testing the changes. Additionally, new business rules would have to be written. Court Services estimates that a contracted business analyst would be required at \$60 per hour for six weeks, or \$14,400. Other costs may be incurred but CSD and TSD cannot provide an estimate at this time.

Sentencing Commission

The proposed bill is not expected to have a significant impact on the prison population. It is, however, estimated to have an impact on local jail populations. While we cannot project the number of new jail inmates due to this bill, we do know that in FY 1999/2000, 15% of all

Class 1 misdemeanor convictions resulted in active sentences. The average sentence length imposed was 45 days. Offenders serving active sentences of less than 90 days are housed in county jails.

TECHNICAL CONSIDERATIONS: None

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FISCAL RESEARCH DIVISION 733-4910

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DATE: April 23, 2001



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