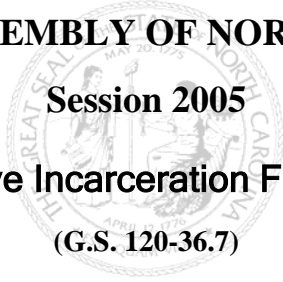


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2005

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: Senate Bill 1124 (Second Edition)

SHORT TITLE: Breach Confid. Files/School Bd. Employees.

SPONSOR(S): Senator Albertson

		FISCAL IMPACT				
		Yes (x)	No ()	No Estimate Available ()		
		<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>
GENERAL FUND						
Correction	Exact amount cannot be determined. No substantial impact anticipated					
Judicial	Exact amount cannot be determined. No substantial impact anticipated					
LOCAL GOVT.	Exact amount cannot be determined. No substantial impact anticipated					
ADDITIONAL PRISON BEDS*	Class 3 Misdemeanor – No impact on prison beds; Could be small impact on local jails					
POSITIONS: (cumulative)	Exact amount cannot be determined. No additional positions anticipated					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Correction; Judicial Branch						
EFFECTIVE DATE: December 1, 2005						
<p><i>*This fiscal analysis is independent of the impact of other criminal penalty bills being considered by the General Assembly, which could also increase the projected prison population and thus the availability of prison beds in future years. The Fiscal Research Division is tracking the cumulative effect of all criminal penalty bills on the prison system as well as the Judicial Department.</i></p>						

BILL SUMMARY:

March 24, 2005

S 1124. ENVIRONMENTAL TECHNICAL CORRECTIONS. TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES. As title indicates.

August 4, 2005

S 1124. BREACH CONFID. FILES/SCHOOL BD. EMPLOYEES (NEW). Intro. 3/24/05. House committee substitute deletes all provisions of 1st edition and replaces it with AN ACT TO IMPOSE A PENALTY FOR BREACHING THE CONFIDENTIALITY OF SCHOOL EMPLOYEE PERSONNEL FILES. Enacts new GS 115C-321(c) and (d) to make it a Class 3 misdemeanor for a public employee to knowingly, willfully, and with malice give an individual access to the personnel file of a local school board employee or for a person to knowingly and willfully examine or obtain copies of that file, except as specifically authorized by section. Provides that violation is punishable only by a fine of up to \$500.

Source: Bill Digest S.B. 1124 (03/24/0200)

ASSUMPTIONS AND METHODOLOGY:

General

The Sentencing and Policy Advisory Commission prepares prison population projections for each criminal penalty bill. The Commission assumes for each bill that increasing criminal penalties does not have a deterrent or incapacitative effect on crime. Therefore, the Fiscal Research Division does not assume savings due to deterrent effects for this bill or any criminal penalty bill.

Department of Correction/Local Jails

Class 3 Misdemeanor

Because this bill would create new Class 3 misdemeanors, the Sentencing Commission has no historical data from which to project the impact that this legislation would have on prison population. However, since few if any Class 3 misdemeanants are sentenced to state prisons, but rather to local jails, there will be no impact on the State prison system. It is possible that a small number of violators will be sentenced to local jails. However, because so few Class 3 misdemeanants receive active sentences and because most employees would be expected to comply with this bill, the fiscal impact would not be substantial. Relevant data on Class 3 misdemeanors includes:

- In FY 2003-04, 77 percent of Class 3 misdemeanants received non-active sentences. For those offenders sentenced to supervised probation, the Division of Community Correction (DCC) would incur costs of \$1.87 per offender per day. Offenders sentenced to community service would cost \$0.67 per offender per day, and offenders given unsupervised probation would not impact DCC.
- The remaining 23 percent of Class 1 misdemeanors resulted in active sentences and the average active sentence length was 8 days.

- Offenders with active sentences of less than ninety days are housed in county jails. The cost of housing offenders sentenced to 30 days or less is paid by the counties.

Judicial Branch

For most criminal penalty bills, the Administrative Office of the Courts provides Fiscal Research with an analysis of the fiscal impact of the specific bill. For these bills, fiscal impact is typically based on the assumption that court time will increase due to an expected increase in trials and a corresponding increase in the hours of work for judges, clerks and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

Class 3 Misdemeanor

Because this bill would create new criminal offenses and no estimate is available regarding the number of instances in which employees would breach confidentiality, AOC cannot estimate the number of new Class 3 misdemeanor charges that would result from this legislation. However, as most employees would be expected to comply with the law, AOC does not anticipate a substantial number of new charges to result from this legislation.

Based on the costs of time in court, attorney preparation time, and indigent defense, the average estimated cost to process one Class 3 misdemeanor is \$2,314 per trial and \$267 per guilty plea. The trial cost includes an estimated \$1,365 in costs of time in court, and attorney costs and an additional \$949 in indigent defense. However, based on prior-year data, the majority of any new Class 3 misdemeanor charges that are not dismissed are likely to be settled by plea.

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

TECHNICAL CONSIDERATIONS: None

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Fiscal Research Division



DATE: August 11, 2005

Signed Copy Located in the NCGA Principal Clerk's Offices