

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 207

SHORT TITLE: Exploit Child/Solicit by Computer

SPONSOR(S): Representative Bowie

FISCAL IMPACT: Expenditures: Increase () Decrease ()
Revenues: Increase () Decrease ()
No Impact ()
No Estimate Available (x)

FUNDS AFFECTED: General Fund (x) Highway Fund () Local Fund ()
Other Fund ()

BILL SUMMARY: Adds new GS 14-202.2 making it a Class I felony for any person who is 16 years old or older to knowingly use a computer to transmit a child's identifying information for the purpose of soliciting an unlawful sex act of or with any child under 16. Defines "child identifying information" as the name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information. Provides that mistake of age is not a defense. Effective December 1, 1995; applies to acts committed on or after effective date.

EFFECTIVE DATE: December 1, 1995

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department, Department of Correction

FISCAL IMPACT

	<u>FY 95-96</u>	<u>FY 96-97</u>	<u>FY 97-98</u>	<u>FY 98-99</u>	<u>FY 99-2000</u>
EXPENDITURES					
RECURRING					
NON-RECURRING					
REVENUES/RECEIPTS					
RECURRING					
NON-RECURRING					

No estimate available

POSITIONS: No estimate available

ASSUMPTIONS AND METHODOLOGY: Fiscal impact is unlikely to be significant. However, we are unable to estimate the fiscal impact of this bill because the rate of occurrence of the behaviors outlined in the bill cannot be determined. Such activities undoubtedly occur more often than authorities are aware. However, neither district attorneys or State Bureau of

Investigation agents can currently determine how widespread solicitation of children by computer is. Further, unless some authority becomes aware of such activities or someone complains, individuals who could be prosecuted under this bill are unlikely to be identified. We therefore have no way to determine either the rate of occurrence or the number who might be charged with such an offense.

As computers become more common throughout households in North Carolina, these offense may rise and become more easily identified. It is also possible that conduct covered by this bill would, in some cases, be discovered in connection with another sex offense. Therefore, it is possible that some violation of this state would become additional charges, but not entirely new cases.

If an estimate of the number of additional defendants prosecuted were available, the following figures would be used to estimate costs to the Judicial Department. Since the offense is a Class I felony, certain costs will arise per case in Superior court (and to a lesser extent, in District Court, although these are not detailed here). Based on figures for other solicitation-type cases, we estimate that approximately 2% of those charged with this offense would have a jury trial. It is estimated that Class I felony trials last an average of 1 3/4 days. At the current cost of a day in superior court, each trial would cost approximately \$2,198 (without a public defender involved). We estimate that another 69% of those charged would plead guilty, with court time required for each plea at approximately 1/2 hour per case (approximately \$80 in court time). We expect that approximately 60% of the defendants would be indigent, with indigent defense costs of about \$50 per hour. The above figures do not take into account the cost of the hearings that precede trial or plea.

There is also no fiscal estimate available for the Department of Correction. Without estimates from the Judicial Branch on the number of cases, no fiscal impact related to incarceration of inmates is available.

SOURCES OF DATA: District Attorney Survey; State Bureau of Investigation

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