

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 30 <Edition 1>
SHORT TITLE: Outlaw Taking of Sea Oats/Carteret & Pender
SPONSOR(S): Senator Ballantine

FISCAL IMPACT				
Yes ()	No (X)	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				
EXPENDITURES				
<u>No Fiscal Impact</u>				
POSITIONS:				
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch				
EFFECTIVE DATE: Applies to offenses committed on or after December 1, 2001				

BILL SUMMARY:

Creates new section G.S. 14-129.2 making it a Class 3 misdemeanor to dig up, pull up, or take sea oats from another person's or public property. The new section would apply only to Carteret and Pender Counties. Punishment is specified as a fine of not less than \$10 nor more than \$50.

Pursuant to G.S. 14-129, the conduct prohibited by the bill is already a Class 3 misdemeanor in some seventy-eight counties, with the same fines that this bill would establish. That statute applies to many specified species of plants, including the same species addressed in this bill – Sea Oats (*Uniola paniculata*). However, Carteret and Pender are among the counties expressly excluded from operation of G.S. 14-129.

ASSUMPTIONS AND METHODOLOGY:

According to the Sentencing Commission, it is not known how many offenders might be sentenced under this bill since this bill covers conduct that is currently not a criminal offense.

However, since this proposed bill creates a new Class 3 misdemeanor offense punishable only by a fine, it is not expected to have a significant impact on the prison population. Moreover, under Structured Sentencing Guidelines, the range of sentence lengths for Class 3 misdemeanants is 1-20 days, thereby, not impacting the prison population.

The Judicial Branch does not have a specific code for offenses relating to G.S. 14-129. However, available data for calendar year 2000 reveals 33 charges filed under present G.S. 14-129. Judicial would not expect that the extension of this offense to two additional counties, for this one plant species, to result in a substantial number of new cases.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910

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DATE: February 16, 2001



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