

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

**BILL NUMBER:** HB 863

**SHORT TITLE:** Impersonating an Officer/Felony

**SPONSOR(S):** Representative P. Wilson

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

**FUND AFFECTED:**    General Fund ( )    Highway Fund ( )    Local Fund ( )  
                         Other Fund ( )

**BILL SUMMARY:** Amends G.S. 14-277 to provide that impersonation of a law enforcement officer includes wearing a uniform signifying to a reasonable individual that the person is a sworn law-enforcement officer. Increases the punishment for impersonating a law enforcement officer or carrying out a law enforcement act while falsely representing one's self as an officer from a misdemeanor to a Class I Felony.

**EFFECTIVE DATE:** December 1, 1993; applicable to all offenses committed on or after that date.

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

**FISCAL IMPACT**

	<u>FY</u> 93-94	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98
<b>EXPENDITURES</b>	0	0	0	0	0
<b>RECURRING</b>					
<b>NON-RECURRING</b>					
<b>REVENUES/RECEIPTS</b>	0	0	0	0	0
<b>RECURRING</b>					
<b>NON-RECURRING</b>					

**POSITIONS:** No new positions.

**ASSUMPTIONS AND METHODOLOGY:** It is not anticipated that this bill would have substantial fiscal impact on the Judicial Department or the Department of Correction. The Administrative Office of the Courts (AOC) predicts that there would be very few new felony filings and convictions resulting from this bill.  
As noted by the AOC:

"In 1992, there were an estimated 104 charges and 45 convictions under G.S. 14-277 for the misdemeanor offense of impersonating an officer. The number of defendants involved would likely be less than these figures indicate, because some offenders, once caught, would be charged for multiple instances of impersonating an officer, (e.g., for 'blue light bandit' types of offenses). According to the district attorney with whom we spoke, it is likely that some of these defendants are already in superior court on other, more serious accompanying charges, such as rape or felonious assault. For the remaining defendants who would previously have been prosecuted in district court, it is likely that fewer than one percent would request a trial in superior court, based on AOC disposition data for fraud-like felonies.

"The addition of the section allowing prosecution of persons falsely representing themselves to be law enforcement officers by wearing a law enforcement uniform is not expected to add a significant number of new cases. Therefore, any new felony cases prosecuted in superior court as a result of this bill would likely have slight impact on the court system, given the extremely small numbers of defendants involved, the low likelihood of trial, and the dispersion of these cases across the state."

Pertaining specifically to the Department of Correction, no significant fiscal impact is anticipated due to the small number of defendants involved and the even smaller percentage of defendants who would be expected to receive an active sentence as the result of this bill. First, as noted above, few new charges are expected to result from the broadening of the offense to include persons falsely representing themselves in a law enforcement uniform. Also, any new charges that did result would be expected to follow the current conviction rate which, based on 104 charges yielding 45 convictions, would be less than 50%. In addition, it has already been noted that in some instances, persons may be convicted of more than one offense so that the number of projected convictions does not accurately reflect the number of persons who may be incarcerated.

Secondly, 1991 data obtained from the N.C. Sentencing and Policy Advisory Commission indicates that of those persons convicted of this offense, 36% are likely to also be convicted of a more serious, accompanying crime. Thus, these offenders would not likely be incarcerated as a result of this offense but the accompanying offense. Of the remaining offenders, only 22.5% sentenced under the proposed Class I Felony penalty would be expected to receive an active sentence. [Note that the 22.5% figure was arrived at after averaging the percentage of misdemeanant offenders who currently receive an active sentence for this crime (19%) with the overall percentage of Class I felons who currently receive an active sentence (26%).] Thus, assuming a worst case scenario that figured the 45 convictions (identified by the AOC in 1992) as corresponding with 45 individual offenders, 36% or 16 offenders would be expected to be convicted of a more serious felony. Of the remaining 29 offenders, only 19% or approximately 6 offenders would be expected to receive an active sentence. At an average prison term of 8.1 months currently served by Class I felons, 6 new felony offenders

per year would not be expected to significantly impact the Department of Correction. This is especially true since 19% of the misdemeanor offenders already complete some sentence (although predictably shorter) of incarceration.

Although the AOC is not predicting a substantial fiscal impact on the Judicial Branch due to this individual bill, the AOC notes that "at some point, the cumulative additional workload from bills that impact on the courts cannot simply be absorbed, and additional resources will be required."

**SOURCES OF DATA:** Administrative Office of the Courts

**TECHNICAL CONSIDERATIONS:** None.

**FISCAL RESEARCH DIVISION**

**733-4910**

**PREPARED BY:** Brenda S. Beerman  
Carolyn H. Wyland

**APPROVED BY:** Tom Covington **TomC**

**DATE:** 20-APR-93

**[FRD#003]**



**Signed Copy Located in the NCGA Principal Clerk's Offices**