

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE (INCARCERATION NOTE G.S. 120-36.7)

BILL NUMBER: SB 997 Larceny/Law Enforcement Equipment

SHORT TITLE: Larceny/Law Enforcement Equipment

SPONSOR(S): Senator Odom

FISCAL IMPACT

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

(In millions)

FY 1999-00 FY 2000-01 FY 2001-02 FY 2002-03 FY 2003-04

GENERAL FUND

Correction

Recurring

Nonrecurring

No estimate available but assume little fiscal impact.

Judicial

Recurring

Nonrecurring

No estimate available but assume little fiscal impact

TOTAL EXPENDITURES

POSITIONS: None

PRINCIPAL DEPARTMENT (S) & PROGRAM (S) AFFECTED: Dept. of Correction; Judicial Branch

EFFECTIVE DATE: October 1, 1999

BILL SUMMARY: This bill makes larceny of any equipment owned by or in the possession and control of a law enforcement officer or law enforcement agency a Class H felony without regard to value of property. This new larceny is added to the list of larcenies to be treated as felonies (G.S. 14-72(b)). Larceny of law enforcement equipment is now punishable as Class 1 misdemeanor if no other circumstance exists; if value of goods is greater than \$1,000 for this larceny or any larceny, it is a Class H felony.

ASSUMPTIONS AND METHODOLOGY:

The Sentencing Commission and the Administrative Office of the Courts indicate that the AOC criminal database identifies the number of offenders convicted for misdemeanor larceny but not the number of offenses or

convictions for the larceny of law enforcement equipment. In calendar year 1998 there were 28,700 defendants charged with misdemeanor larceny according to the AOC. The Sentencing Commission notes there were 14,804 convictions during a similar time period (97-98). However, the subset number of charges and convictions for larceny of law enforcement equipment is not identified in the database.

Department of Correction

The Sentencing Commission indicates that if 1% of the convictions were for larceny of law enforcement equipment, 57 prison beds would be needed by year 5. This is used as an example only since there is no count available of larceny of law enforcement equipment. However, Fiscal Research believes this assumption is reasonable and given that 57 beds would be within available bed capacity, this bill would have no fiscal impact on DOC.

Judicial Department

While an increase in the criminal penalty from a misdemeanor to a felony could lead to more trials and thus more court time and cost, Fiscal Research believes since the number of cases is not identified in the AOC database, the number of cases of larceny of law enforcement equipment is small and the change is unlikely to create significant fiscal impact on the court system.

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

TECHNICAL CONSIDERATIONS: None

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DATE:
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