

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE FISCAL NOTE
(INCARCERATION NOTE G.S. 120-36.7)**

BILL NUMBER: HB 1501 2nd Edition
SHORT TITLE: Felonious Access to Government Computers
SPONSOR(S): Rep. Tolson

	FISCAL IMPACT				
	Yes (x)	No ()	No Estimate Available ()		
	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>	<u>FY 2006-07</u>
GENERAL FUND					
Correction			No estimate available		
Recurring					
Nonrecurring					
Judicial			Exact amount cannot be determined		
Recurring					
Nonrecurring					
TOTAL	0	0	0	0	0
EXPENDITURES:					
ADDITIONAL PRISON BEDS*					
POSITIONS:					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Department of Correction; Judicial Branch				
EFFECTIVE DATE:	December 1, 2002				
<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>					

BILL SUMMARY: Creates a criminal offense of accessing government computers for fraudulent purposes or to deny service to an authorized computer user. Currently, it is a Class G felony to access computers for fraudulent purposes. This act creates the special case of accessing government computers with intent to defraud with a Class F offense class; if the access is not for fraudulent purposes, the behavior is punished as a Class H felony. As a special case, access to academic data in government computers, such as test scores, is a Class 1 misdemeanor. The bill also establishes the jurisdiction for prosecution; under this act, offenses committed by electronic means, such as emailing a virus, may be considered to have been committed either where the communication originated or where it was received.

ASSUMPTIONS AND METHODOLOGY:

Administrative Office of the Courts (AOC): The AOC expects that the enhanced penalties associated with this bill would result in a greater number of trials and pleas, requiring greater court time. In CY 2001, 12 defendants were charged with misdemeanor violations of the statute and 31 defendants were charged with the Class G felony. None of the felony charges resulted in convictions as felonies. There were six misdemeanor convictions.

Department of Correction: The Sentencing Commission would not expect any prison impact based on the changes to G.S. 14-454.1 or 14-455 but is not able to make projections for any impact from 14-456.1.

SOURCES OF DATA: Judicial Branch and the North Carolina Sentencing and Policy Advisory Commission.

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