

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1087 (Second Edition PCS)
SHORT TITLE: School Volunteer Records Confidential/Penalty
SPONSOR(S): Rep. Saunders

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 (NO FISCAL IMPACT)

POSITIONS: 0

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch, Dept. of Correction, and Department Public Instruction

EFFECTIVE DATE: Section 1 of this act is effective when it becomes law. Section 2 of this act becomes effective Dec 1, 2001, and applies to offenses committed on or after that date.

BILL SUMMARY:

Section 1 of the bill adds new GS 115C-209.1, which provides that all records of a local school administrative unit regarding volunteers are confidential. Specifies that the records are open for inspection only (1) by the volunteer, former volunteer, applicant to volunteer, or that person's authorized agent; (2) by the superintendent and other supervisory personnel; (3) by members of the local board of education and the board's attorney; and (4) as authorized by and in accordance with a subpoena or court order. The following information is not considered confidential: volunteer's name, date of first volunteer assignment, and location and duties of current volunteer assignment.

Section 2 of the bill adds new GS 115C-322, which provides that any public official or school board employee who knowingly and willfully permits any unauthorized person to access or possess any portion of a personnel file or volunteer record designated as confidential is guilty of a Class 3 misdemeanor.

ASSUMPTIONS AND METHODOLOGY:

Department of Correction (DOC)

Since the proposed bill creates a new Class 3 misdemeanor offense punishable only by a fine not to exceed five hundred dollars (\$500.00), it is not expected to have an impact on the prison population. Additionally, 17% of Class 3 misdemeanors resulted in active sentences in 1999/2000, with an average sentence length of 8 days. Sentences under 90 days are served in county jails.

Judicial Branch

The Administrative Office of the Courts (AOC) has no data on which to base an estimate of the number of defendants who would be charged under this bill. However, AOC does not predict a substantial fiscal impact on the courts from this bill since the vast majority of school employees that could be charged would comply with the law. Moreover, Fiscal Research believes that the number of new charges would not be significant enough to impact the courts.

Department of Public Instruction (DPI)

According to DPI, there is no additional cost to the State for implementing the privacy section of the volunteer records.

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

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: 733-4910

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