

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 833 (Fourth Edition PCS)

SHORT TITLE: Possession/Manufacture of Fraudulent ID

SPONSOR(S): Senators Rand; and Allran

FISCAL IMPACT

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

POSITIONS:

(County jails may experience increased utilization of jail beds due to the penalties imposed by this bill. No data is available to estimate the number of additional beds needed.)

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch; Department of Corrections

EFFECTIVE DATE: This act becomes effective December 1, 2001, and applies to offenses committed on or after that date.

BILL SUMMARY: Amends Chapter 14 of the General Statutes by adding a new section to make possession or manufacture of fraudulent forms of identification an offense. Any person who knowingly manufactures or produces a single false or fraudulent form of identification for the person's own use shall be guilty of a Class 1 misdemeanor. The section further provides any person who engages in the business of manufacturing, selling, advertising for sale, soliciting orders for, delivering, or causing to be delivered any false or fraudulent form of identification shall be guilty of a Class I felony. Additionally, any person who knowingly and designedly and with intent to defraud or deceive use, display, present, carry or possess any false or fraudulent form of identification shall be guilty of a Class 2 misdemeanor, unless the person's conduct is covered under some other provision of law providing greater punishment.

The bill further amends G.S. 18B-302(e) by making it unlawful to possess fraudulent identification while attempting to or entering a place where alcoholic beverages are sold or consumed. Any person violating this section shall be guilty of a Class 1 misdemeanor.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

The Administrative Office of the Courts (AOC) indicates that while they might see an increase in the number of charges resulting from this proposal, they do not have available data to estimate the number of such charges. AOC offense code data for calendar year 2000 reveals that about 400 defendants were charged with various offenses involving a fraudulent or false identification card or driver's license under G.S. 20-30, 20-37.7(e), and 20-37.8(a). However, it is unknown how many of these offenders were underage, if any.

New G.S. 14-100.1(b) provides that a person who engages in the business of manufacturing, selling, advertising for sale, soliciting orders for, delivering, or causing to be delivered any false or fraudulent form of identification shall be guilty of a Class I felony. AOC does not have data available from which to estimate the number of persons who would be charged with this offense. AOC and Fiscal Research believe that depending on the number of such charges, this amendment could have a significant fiscal impact on the court system. Since it creates a new felony, cases would be disposed of in superior court; the costs to dispose in superior court are higher than those in district court.

Department of Correction

The NC Sentencing Commission indicates that since G.S. 14-100.1 and G.S. 18B-302(e) covers conduct that is not currently a criminal offense, they cannot estimate how many offenders might be sentenced. However, Fiscal Research believes that the new provision creating a Class I felony could have some fiscal impact on the prison population since offenders convicted of a Class I felony can receive an active prison sentence. The Sentencing Commission noted that 13% of Class I felons received an active sentence in FY 1999/2000, with an average sentence length of 6 months.

As it relates to the new misdemeanor offenses, those provisions are not expected to have a significant impact on the prison population. It may have an impact on local jail populations depending on the number of charges. While the Commission cannot project the number of new jail inmates due to this bill, they do know that in FY 1999/2000, 15% of all Class 1 misdemeanor convictions resulted in active sentences. The average sentence length imposed for Class 1 misdemeanors is 45 days. In FY 1999/2000, 11% of all Class 2 misdemeanor convictions resulted in active sentences. The average sentence length imposed 24 days. Offenders serving active sentences of 90 days or less are housed in county jails.

TECHNICAL CONSIDERATIONS: FISCAL RESEARCH DIVISION 733-4910

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