

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 990 (2nd Edition)
SHORT TITLE: No Disclosure of Student Info to 3rd Parties
SPONSOR(S): Senators Rand, Cunningham, and Dannelly, et al.

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, Department of Public Instruction

EFFECTIVE DATE: This act is effective when it becomes law and applies to contracts entered into, renewed, or modified after that date.

BILL SUMMARY:

Section 1 of the bill adds new G.S. 115C-401.1, which prohibits persons contracting with the public schools from disclosing any information about students. This does not apply if there has been authorization from the student's parents or guardians. Any violation of this section is punishable as a Class 2 misdemeanor.

ASSUMPTIONS AND METHODOLOGY:

Department of Correction

The proposed bill is not expected to have an impact on the prison population since violation is a Class 2 misdemeanor. In FY 1999/2000, 11% of all Class 2 misdemeanor convictions resulted in active sentences. The average sentence length imposed was 24 days. Sentences under 90 days are served in county jails. While there is some chance an offender could be sentenced to jail under this statute, Fiscal Research estimates the charges would not be significant enough to impact the county jails.

Additionally, the bill stipulates that if the defendant is an organization, the fine is \$5,000 for a first violation, \$10,000 for a second violation, and \$25,000 for any subsequent violation. An “organization”, as defined in G.S. 15A-773(c), means corporation, unincorporated association, partnership, body politic, consortium, or other group, entity, or organization. Fiscal Research has no data on which to estimate the number of organizations who would be charged and required to pay a fine under this bill. If fines were collected they would go to the Civil Penalty & Forfeiture Fund.

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 contractors 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

This bill would not have any fiscal impact on the Department of Public Instruction

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

TECHNICAL CONSIDERATIONS: None

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