

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 905 < 1st Edition> (**Revised**)
SHORT TITLE: Larceny/Law Enforcement Equip.
SPONSOR(S): Representatives Goodwin; and Barefoot

FISCAL IMPACT

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

FY 2001-02 FY 2002-03 FY 2003-04 FY 2004-05 FY 2005-06

REVENUES

EXPENDITURES

Department of Correction –No estimate available but assume fiscal impact
Judicial Branch – No estimate available but assume fiscal impact

POSITIONS: 0

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch and Dept. of Correction

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

BILL SUMMARY:

Adds GS 14-72(b)(6) making larceny an H felony without regard to the value of the property for any equipment owned by, or in the possession and control of a law enforcement officer or agency and used in the scope of employment. It also lists types of law enforcement equipment covered under this provision.

ASSUMPTIONS AND METHODOLOGY:

Under current G.S. 14-72(a) larceny of property valued at more than \$1,000 is a Class H felony, while larceny valued at property less than \$1,000 is a Class 1 misdemeanor. The various subsections of G.S. 14-72(b) make the crime of larceny a felony without regard to the value of property under certain conditions. Under this proposed bill, larceny of law

enforcement equipment would be a felony offense without regard to the value of the stolen equipment. Moreover, larceny of law enforcement equipment that would be charged as a misdemeanor offense under current law would be elevated to a felony offense.

The Sentencing Commission and the Administrative Office of the Courts (AOC) 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. For calendar year 2000, there were 28,968 charged with misdemeanor larceny according to the AOC. The Sentencing Commission notes there were 14,596 convictions during a similar time period (99-00). However, the subset number of charges and convictions for larceny of law enforcement equipment is not identified in the database.

Department of Correction

Because of the lack of data, there is no estimate available of the fiscal impact of HB 905 for the Department of Correction. However, Fiscal Research believes there will be fiscal impact because the bill takes an offense that could be a misdemeanor now and makes it a felony, creating the possibility of an active prison sentence. The Sentencing Commission indicates that if 10 of the misdemeanor larceny convictions involved larceny of law enforcement equipment and moved up to Class H, this would result in the need for two additional prison beds the first year and five additional prison beds the second year. This is used as an example only, since there is no count available of larceny of law enforcement equipment.

Judicial Branch

Given there is no method to identify the number of cases of larceny of law enforcement equipment, there is no estimate available of the fiscal impact on the Judicial Branch. Again, however, since the bill takes a potential misdemeanor and makes it a felony, Fiscal Research assumes there will be a fiscal impact on the Judicial Branch.

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

TECHNICAL CONSIDERATIONS: None

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