

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 1065

SHORT TITLE: Parental Rights and Child Protection Act

SPONSOR(S): Representative Davis; Aldridge, Buchanan, Decker, Sexton and Starnes

FISCAL IMPACT

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

(in millions)

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

GENERAL FUND

Correction

Recurring

Nonrecurring

No Estimate Available

Judicial

No Estimate Available

TOTAL EXPENDITURES

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch

EFFECTIVE DATE: December 1, 1997; applies to offenses committed on or after that date

BILL SUMMARY: *TO PROVIDE THAT IT IS UNLAWFUL TO DISSEMINATE CERTAIN MATERIALS TO A MINOR WITHOUT WRITTEN PARENTAL CONSENT AND TO PROVIDE THAT CRIMINAL AND CIVIL PENALTIES MAY BE IMPOSED FOR SUCH VIOLATIONS.* Adds new GS 14-202.15 and 14-202.16, making it a class I felony to disseminate to a minor, without written permission of the minor's parent, any material that the person knows, or reasonably should know, suggests, recommends, condones, or advocates engaging in sexual acts, unnatural sexual acts, alternate lifestyles, any other form of sexual activity outside the bonds of matrimony between a lawfully married man and woman, or a violation of any provision of GS Ch. 14. Allows parent to file civil action against person who violates the section and to recover triple damages, attorney fees, and court costs. Also allows parent to seek injunction against further improper dissemination and provides that parent is not liable if he or she fails to prevail at trial.

ASSUMPTIONS AND METHODOLOGY:

I. Judicial Department

Since the scope of the prohibitions included in this bill could be very broad (could include television, internet postings), the Judicial Branch has no way to estimate the number of new criminal cases that might be prosecuted and subject to punishment as a Class I felony. They also can not estimate the number of potential civil actions by parents. Any litigation that is filed can be expected to be complicated by First Amendment issues raised by defendants.

II. Department of Correction

Since the Administrative Office of the Courts has no information available from which to estimate the number of Class I felony cases that may result from this bill, the Sentencing Commission is not able to estimate the impact of the bill on prison populations. No information is available to estimate the fiscal impact on the Department of Correction.

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

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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DATE: April 28, 1997



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