

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE FISCAL NOTE
(INCARCERATION NOTE G.S. 120-36.7)**

BILL NUMBER: HB 1497 First Edition
SHORT TITLE: Noncommercial "SPAM" Illegal
SPONSOR(S): Rep. Tolson

| | FISCAL IMPACT | | | | |
|---|---|-------------------|---------------------------|-------------------|-------------------|
| | Yes () | No () | No Estimate Available (x) | | |
| | <u>FY 2002-03</u> | <u>FY 2003-04</u> | <u>FY 2004-05</u> | <u>FY 2005-06</u> | <u>FY 2006-07</u> |
| GENERAL FUND | | | | | |
| Correction | | | | | |
| Recurring | | | | | |
| Nonrecurring | | | No Estimate Available | | |
| Judicial | | | | | |
| Recurring | | | | | |
| Nonrecurring | | | No Estimate Available | | |
| TOTAL EXPENDITURES: | 0 | 0 | 0 | 0 | 0 |
| ADDITIONAL PRISON BEDS* | | | | | |
| POSITIONS: | | | | | |
| PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: | Department of Correction; Judicial Branch | | | | |
| EFFECTIVE DATE: | December 1, 2002 | | | | |
| <i>*This fiscal analysis is independent of the impact of other criminal penalty bills being considered by the General Assembly, which could also increase the projected prison population and thus the availability of prison beds in future years. The Fiscal Research Division is tracking the cumulative effect of all criminal penalty bills on the prison system as well as the Judicial Department.</i> | | | | | |

BILL SUMMARY: This bill creates a Class 3 misdemeanor offense for sending unsolicited electronic mail with false identifying information with the intent to deceive the recipient.

ASSUMPTIONS AND METHODOLOGY:

Administrative Office of the Courts (AOC): The Administrative Office of the Courts shows one charge of the misdemeanor violation of GS14-458, which makes commercial Spam illegal, and no felony charges. There is no information on which to base an estimate for non-commercial Spam, as this is a completely new category of offense, but the small number of commercial Spam charges indicates that its impact on court operations will be minimal.

Department of Correction: The Sentencing and Policy Advisory Commission bases its impact assessments on projections of convictions from the AOC database. This offense has no associated convictions for the commercial Spam offense, so the Sentencing Commission cannot project any estimate of how frequently this offense might occur.

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

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