

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** SB 15 2<sup>nd</sup> Edition

**SHORT TITLE:** Access to Confidential Employee Files

**SPONSOR(S):** Sen. Reeves

**FISCAL IMPACT**

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

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

**REVENUES**

**EXPENDITURES**      NONE

**POSITIONS:**

**PRINCIPAL DEPARTMENT(S) &**

**PROGRAM(S) AFFECTED:** Administrative Office of the Courts, Department of Correction

**EFFECTIVE DATE:** Criminal Penalties are effective Dec 1, 2001; remainder of bill is effective when it becomes law

**BILL SUMMARY:** SB 15 would adds 126-27(b), 115C-322(b) and 115D-30.1(b) specifying that members of the General Assembly who allow unauthorized persons to have access to confidential personnel information of state, public school or community college employees with the intent to harass or intimidate are guilty of a Class I felony. Also adds 115C-322(a) and 115D-30.1(a) to clarify that unauthorized access to confidential personnel information of public school or community college employees is a Class 3 Misdemeanor punishable only by a fine.

**ASSUMPTIONS AND METHODOLOGY:** Under current law, any public employee or official who allows an unauthorized person (as defined in GS 126-24) to have access to confidential personnel files of state employees is guilty of a Class 3 Misdemeanor, punishable only by a fine. Sections 2 and 3 of this bill extend this protection to public school and community college employees. The list of authorized persons included members of the General Assembly. The Administrative Office of the Courts does not have an offense code

for the current laws prohibiting access to confidential information. This usually indicates charges are infrequent. FRD believes there would be no impact on the court system from broadening this penalty to include additional employees. If there were violations there would still be no impact on county jails since the law specifies the punishment is only a fine.

Section 1 of this bill creates a Class I felony for a member of the General Assembly to allow access to confidential personnel information on state, public school or community college employees with the intent to harass or intimidate. FRD assumes any violations of this act would be rare, especially because it only applies to the 170 members of the legislature. Offenders convicted of a Class I felony can receive an active prison sentence, however. For example, if there were 10 convictions for this offense per year, the combination of active sentences and probation revocations would result in the need for one additional prison bed the first year and three additional prison beds the second year. The Sentencing Commission also noted that 13% of Class I felons received an active sentence in FY 1999/2000, with an average sentence length of six months. However, it is highly unlikely 10 members of the legislature would be guilty of and convicted of this charge.

**TECHNICAL CONSIDERATIONS:** None

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