

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

BILL NUMBER: SB 1123 Second Edition
SHORT TITLE: Criminal Unauthorized Recordings
SPONSOR(S): Sen. Reeves

	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 changes the thresholds on the criminal penalties for making and distributing unauthorized audio or video recordings. Under current law, it is a Class I felony to make or distribute 1,000 or more sound recordings or 100 or more video recordings in any 180-day period, and a Class 1 misdemeanor to make more than 100 but fewer than 1,000 sound recordings or more than 10 but fewer than 100 video recordings. This bill lowers the threshold for a felony to 100 or more sound or video recordings. Fewer than 100 recordings is a Class 1 misdemeanor.

ASSUMPTIONS AND METHODOLOGY: The Administrative Office of the Courts (AOC) does not have an offense code for violations of G.S. 14-437(a). In fact, the AOC has an offense code for only one offense within the entire article (Article 58), and this offense had no charges during the 2001 calendar year. This indicates that this offense is not frequently charged and the effect of this bill cannot be modeled using the Sentencing and Policy Advisory Commission's simulator because there is no conviction data on any related crimes within the chapter. If there were five convictions every year for the Class I felony in this bill, there would be a need for one additional prison bed in the first year, and two in the second year due to probation revocation probabilities.

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

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