

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 6

SHORT TITLE: Obstructing Legislative Process

SPONSOR(S): Representatives Gamble, Joy, Hightower, and Green.

FISCAL IMPACT: Expenditures: Increase () Decrease ()
 Revenues: Increase () Decrease ()
 No Impact (X)
 No Estimate Available ()

FUND AFFECTED: General Fund () Highway Fund () Local Fund ()
 Other Funds ()

BILL SUMMARY: Adds G.S. 120-19.21 to make it a class J felony to corruptly, or by threats of force, or by threatening communication to attempt to or in fact influence, obstruct, or impede the legislative inquiry process. Adds G.S. 120-19.21 to make it a misdemeanor, punishable by up to 6-months imprisonment or up to \$10,000 fine, to tortiously interfere with existing or prospective contractual relations between General Assembly (or any agency thereof) and any person. Permits Sec'y of Administration to suspend person convicted of violation of proposed G.S. 120-19.21 from entering into contracts with state, its agencies and institutions, and its local governments; such as suspension includes subcontracting on government contracts. Permits suspension to continue for up to three years. Permits Speaker or Pro Tempore to ask SBI to investigate alleged violations of new provisions.

EFFECTIVE DATE: October 1, 1993.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department
 Department of Correction

FISCAL IMPACT

| | <u>FY</u> 93-94 | <u>FY</u> 94-95 | <u>FY</u> 95-96 | <u>FY</u> 96-97 | <u>FY</u> 97-98 |
|--------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| EXPENDITURES | 0 | 0 | 0 | 0 | 0 |
| RECURRING | | | | | |
| NON-RECURRING | | | | | |
| REVENUES/RECEIPTS | 0 | 0 | 0 | 0 | 0 |
| RECURRING | | | | | |
| NON-RECURRING | | | | | |

POSITIONS: No new positions.

ASSUMPTIONS AND METHODOLOGY: It is anticipated that enactment of HB 6 would have no significant fiscal impact on court operations or the correctional system. This conclusion is based on the expectation that new misdemeanor and felony filings under HB 6 would be rare. In terms of defense costs, it is believed that very few, if any, cases would require court-appointed counsel, since such defendants would likely engage private counsel.

SOURCES OF DATA: Administrative Office of the Courts

TECHNICAL CONSIDERATIONS: Although not addressed in the bill, a mechanism would need to be established to notify the Secretary of Administration when defendants are convicted of G.S. 120-19.21. Notification procedures could be accomplished administratively or included in the legislation.

FISCAL RESEARCH DIVISION

733-4910

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