

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE FISCAL IMPACT STATEMENT

BILL NUMBER: H 467

SHORT TITLE: Exploit Minor/Increase Penalty

SPONSOR(S): Representative Rayfield

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

FUNDS AFFECTED: **General Fund ()** **Highway Fund ()**
 Local Fund () **Other Fund ()**

BILL SUMMARY: The bill amends G.S. 14-190.16(d) to increase the penalty for first degree sexual exploitation of a minor from a Class E to a Class D felony, and amends G.S. 14-190.18(c) to increase the penalty for promoting prostitution of a minor from a Class F to a Class D felony.

EFFECTIVE DATE: December 1, 1995; applies to offenses committed on or after that date.

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

FISCAL IMPACT

	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98	<u>FY</u>
98-99					
EXPENDITURES					RECURRING
NON-RECURRING					
REVENUES/RECEIPTS					
RECURRING					
NON-RECURRING					

POSITIONS:

ASSUMPTIONS AND METHODOLOGY: Judicial Branch

* The Administrative Office of the Courts (AOC) has provided the following information regarding the fiscal impact of this legislation. The Fiscal Research Division has reviewed this information and is in agreement with their findings and conclusions.

The Administrative Office of the Courts does not anticipate that the proposed legislation would have a substantial impact on the Judicial Branch as very few people are charged with either of these offenses.

The proposed legislation would raise first degree sexual exploitation of a minor from a class E felony to a class D felony, and promoting the prostitution of a minor would be raised from a class F felony to a Class D felony.

Under structured sentencing, active sentences would become mandatory for these two offenses. The mandatory active sentences and increased sentence lengths would likely cause some additional defendants to ask for trials. However, there are few defendants charged with this offense, so the AOC believes that the Judicial Branch would be able to absorb the costs of any additional trials.

The Administrative Office of the Courts would not predict a substantial impact on the Judicial Branch due to this individual bill. At some point, however, the cumulative additional workload from legislation that impacts the courts cannot simply be absorbed, and additional resources will be required.

ASSUMPTIONS AND METHODOLOGY: Department of Correction

The North Carolina Sentencing and Policy Advisory Commission does not anticipate that this legislation would have a significant fiscal impact on the Department of Correction.

The North Carolina Sentencing and Policy Advisory Commission was not able to identify any offenders convicted of this offense in North Carolina in fiscal year 92-93. Based on the infrequency of convictions for this offense, the North Carolina Sentencing and Policy Advisory Commission projects that the proposed legislation would have a negligible impact on state prison and local jail populations.

SOURCES OF DATA: Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission

FISCAL RESEARCH DIVISION: 733-4910

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DATE: June 7, 1995



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