

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 285
SHORT TITLE: Amend Shoplifting Law
SPONSOR(S): Senator Winner

FISCAL IMPACT					
Yes ()	No (X)	No Estimate Available ()			
(in millions)					
	<u>FY 1997-98</u>	<u>FY 1998-99</u>	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>
GENERAL FUND					
Correction			<u>No Fiscal Impact</u>		
Recurring					
Nonrecurring					
Judicial			<u>No Fiscal Impact</u>		
Recurring					
Nonrecurring					
TOTAL EXPENDITURES	_____	_____	_____	_____	_____
POSITIONS: It is anticipated that approximately 0 positions would be needed to supervise the additional inmates housed under this bill. This is based on inmate to employee ratios, provided by the Division of Prisons, for close, medium, and minimum custody facilities (These position totals include security, program, and administrative personnel.).					
Close – 2 to 1 Medium – 3 to 1 Minimum – 4 to 1					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch					
EFFECTIVE DATE: December 1, 1997; applies to offenses committed on or after that date.					

BILL SUMMARY: *AMEND SHOPLIFTING LAW. TO MAKE IT A FELONY TO CONCEAL MERCHANDISE BY USING A LEAD-LINED OR ALUMINUM-LINED BAG OR OTHER DEVICE THAT WILL PREVENT THE ACTIVATION OF AN ANTISHOPLIFTING CONTROL DEVICE.* Adds new GS 14-72.1(d1) to create class H felony as title indicates. Applies to offenses committed on or after Dec. 1, 1997.¹

ASSUMPTIONS AND METHODOLOGY:

¹ *Daily Bulletin*, Institute of Government, UNC-Chapel Hill, Vol. 1997, No. 19.

Judicial Branch

The Judicial Branch does not anticipate that this bill would have a substantial fiscal impact on the court system. A survey of sixteen district attorneys indicated that they are aware of very few shoplifting cases in which lead or aluminum-lined devices have been used to thwart anti-shoplifting devices. Outside of Mecklenburg County, only two defendants were reported as having used such a device in the past year. Of the district attorneys in these counties, most indicated that even if they could charge such an offense, they would likely allow the defendant to plead in district court, which is where the case would be handled under the current law.

In Mecklenburg County, eight to ten defendants per year were reported to have used such a device. However, all of those defendants were considered “professional shoplifters,” and were stealing over one thousand dollars worth of goods, which is already a Class H felony. Thus, for those defendants, this charge would just be an additional felony charge against them.

Due to the low occurrence of the use of these devices, the likelihood that most cases would be pled in district court, and the fact the more serious cases are already Class H felonies, this bill will not create a substantial additional workload in either district or superior court.

Department of Correction

Based on the information provided by the Judicial Branch, the Sentencing and Policy Advisory Commission does not expect this bill to have a significant impact on state prison populations. The Sentencing Commission estimates, for example, that if 10 individuals were convicted of these offenses per year approximately three inmates may be added to the prison system. If there were as many as 50 convictions each year for this offense, it could increase prison populations by about 12 inmates. As noted below, these few potential additional inmates could be absorbed within existing Department of Correction resources.

It should be noted that there is no additional fiscal impact resulting from the passage of this bill because these additional beds and their associated costs can be absorbed within the Department of Correction’s existing budget. This analysis is based on the following assumptions and methodology:

1. There will be an estimated surplus of 4,430 beds by FY 2001-02 , based on current prison population projections by the Sentencing Commission and the estimated expanded prison bed capacity (see table above);
2. The expanded prison capacity includes all beds available when currently funded prison construction is completed, as well operating funds for food, clothing, health, and security of prisoners as the units begin housing inmates;
3. The Department of Correction will continue operating most dormitory units at 130% of capacity, as allowed by court consent decrees; and,
4. The expanded prison capacity numbers do not include out-of-state beds, jail contract beds, or the 2,000 net new beds which would be established if the projects receiving planning and design funds in the 1996 Session were fully funded.

Note: The number of additional inmates projected to be incarcerated if the 17 Sentencing Commission recommendations are approved by the 1997 General Assembly is 2,044 inmates by FY 2001-02 and 2,944

inmates by FY 2006-07. If all of the Sentencing Commission recommendations are approved, the estimated surplus of prison beds will be 2,296 by the end of FY 2001-02. These recommendations, along with other criminal penalty bill enhancements, reduce the availability of prison beds in future years. The Fiscal Research Division is monitoring the cumulative effect of all criminal penalty bills on the prison system.

SOURCES OF DATA: Department of Correction, Judicial Branch; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None.

FISCAL RESEARCH DIVISION

733-4910

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DATE: March 13, 1997



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