

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1022 2nd Edition

SHORT TITLE: Unlawful Use of Drivers License

SPONSOR(S): Reps. Gordon Allen and Daniel Barefoot

FISCAL IMPACT

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

FY 1999-00 FY 2000-01 FY 2001-02 FY 2002-03 FY 2003-04

EXPENDITURES

Judicial Branch modest impact on workload/no fiscal impact
Department of Correction no fiscal impact

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch, Department of Correction

EFFECTIVE DATE: December 1, 1999

BILL SUMMARY:

UNLAWFUL USE OF DRIVERS LICENSE. TO PROHIBIT THE UNLAWFUL USE OF A DRIVERS LICENSE, A LEARNER'S PERMIT, OR A SPECIAL IDENTIFICATION CARD ISSUED BY THE DIVISION OF MOTOR VEHICLES. (1) makes it a Class I felony to present, display or use a driver's license or learner's permit which contains a false name in conjunction with the commission of a felony. (2) Amends GS 20-37.8 to make identical changes with regard to special identification cards Makes punishment for violation of any provision of GS 20-37.8 a Class H felony (original bill, violation of subsection (a) was Class 2 misdemeanor and violation of subsection (b) was Class I felony).. Effective Dec. 1, 1999.

Source: Institute of Government, Daily Bulletin, April 14, 1999 and April 23, 1999.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

Section 1

Existing GS 20-30 establishes a Class I felony charge for counterfeiting or offering to sell drivers licenses/learning permits, for possession or provision of fictitious licenses, or for using false name or address in application for license/learning permit. This bill adds a subsection (9)

which establishes a Class I felony charge for presenting, displaying or using a license which contains a false or fictitious name in commission/attempted commission of a felony; currently this violation would be a Class 2 Misdemeanor. Subsection (1) already makes it a Class I felony to display or cause to display such a fraudulent license; there were 4,416 such charges in 1998. Subsection (5) already makes it a Class I felony to use a fictitious name/address in applying for a license; there were 475 such charges in 1998. If any of these defendants were also guilty of attempting/committing a felony, they would face an additional Class I felony (instead of an additional misdemeanor charge as under current law). In the short time frame available, AOC was not able to research the number of these defendants who were committing felonies. For such defendants, the increase in the additional charge from misdemeanor to Class I felony would likely increase the vigor of the defense and thus increase court time (Judges, Assistant District Attorneys, Clerks and indigent defense costs). Since these offenders would also be facing a felony charge for the felony in question, the incremental impact on their defense strategy is unlikely to be large. No dollar estimate is available.

Section 2 makes a parallel change to the statute prohibiting fraudulent use of identification cards. There were 144 defendants charged with fraudulent use of the id card (a Class 2 Misdemeanor) in 1998; some subset of these might have been committing a felony at the same time which would result in the new Class I misdemeanor. These defendants would likely pursue a more vigorous defense strategy, affecting court workload and indigent defense costs.

While there would be no new cases/defendants due to this bill, the Fiscal Research Division agrees that the increase in the severity of the penalty would have a modest impact on Judicial Branch workload. This impact can be absorbed within existing resources.

Department of Correction

Because the offense of using false id while committing a felony is a new offense, the Sentencing Commission does not have historical data on which to base an estimate. They can provide an estimate based on the number of active sentences received for other Class I felonies. Based on that data, if there are 35 convictions for these new offenses, approximately 2 offenders would receive active sentences of 5.5 months requiring 1 prison bed per year. By the second year, probation revocations could result in the need of 6 prison beds. This increase in population can be absorbed within existing resources of the Department of Correction.

TECHNICAL CONSIDERATIONS: None
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DATE: Tuesday, April 27, 1999



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