

GENERAL ASSEMBLY OF NORTH CAROLINA



Legislative Fiscal Note

REVISED

**BILL NUMBER:** House Bill 1871 (First Edition)

**SHORT TITLE:** Sex Offender/Out of State Registry/DMV Check.

**SPONSOR(S):** Representatives Goforth, Ray, and Glazier

<b>FISCAL IMPACT</b>					
	<b>Yes (X)</b>	<b>No ( )</b>	<b>No Estimate Available ( )</b>		
	<b><u>FY 2006-07</u></b>	<b><u>FY 2007-08</u></b>	<b><u>FY 2008-09</u></b>	<b><u>FY 2009-10</u></b>	<b><u>FY 2010-11</u></b>
<b>REVENUES:</b>	Exact amount cannot be determined; Impact anticipated.				
<b>Correction</b>	Exact amount cannot be determined.				
<b>EXPENDITURES:</b>	Exact amount cannot be determined; Impact anticipated.				
<b>DMV Personnel</b>	\$0 - \$60,400	\$0 - \$106,648	\$0 - \$109,847	\$0 - \$113,143	\$0 - \$116,537
<b>Equipment</b>	\$0-\$11,100	-	-	-	-
<b>Uniforms</b>	\$0 - \$900	\$0 - \$900	\$0 - \$900	\$0 - \$900	\$0 - \$900
<b>Range of Total Costs</b>	\$0 - \$74,400	\$0 - \$107,548	\$0 - \$110,747	\$0 - \$114,043	\$0 - \$117,437
<b>POSITIONS (cumulative):</b>	0 - 3	0 - 3	0 - 3	0 - 3	0 - 3
<b>Correction</b>	Exact amount cannot be determined; Impact anticipated.				
<b>Judicial</b>	Exact amount cannot be determined; Impact anticipated.				
<b>ADDITIONAL PRISON BEDS*</b>	Number cannot be determined.				
<b>POSITIONS (cumulative)</b>	Number cannot be determined.				
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b>	Division of Motor Vehicles; Department of Correction; Judicial Branch; Local Governments.				
<b>EFFECTIVE DATE:</b>	December 1, 2006				

**BILL SUMMARY:** Amends the definition of a “reportable conviction” (G.S. 14-208.6(4)) to provide that individuals convicted of an offense requiring registration as a sex offender in another state must also register in North Carolina. In doing so, the act expands the number of persons who might be convicted of failing to register in this state, a Class F felony.

The bill also amends GS 20-9 and 20-37.7 to require the Division of Motor Vehicles to check the National Sex Offender Public Registry when someone from another state applies for a driver license or special identification card. If the applicant is registered as a sex offender, he or she must also submit proof of registry in North Carolina to obtain the license or identification card. In the event that the DMV is temporarily unable to access the national registry, the applicant must submit an affidavit stating that he or she is not listed in the national registry, and that he or she has been notified of the requirement to register in North Carolina, if a sex offender. Upon access, the Division must then confirm the applicant’s registration. If it is found that the individual appears on the national registry but indicated otherwise, the Division shall immediately revoke his or her driver license and notify an appropriate law enforcement officer of the offense. The officer shall obtain a warrant for the person’s arrest and take that individual into custody. In accordance with this act, it is a Class 1 misdemeanor to provide false information to obtain a driver license (G.S. 20-30(5)), and a Class 2 misdemeanor for the same offense when attempting to obtain a special identification card (G.S. 20-37.8).

#### **ASSUMPTIONS AND METHODOLOGY:**

##### **Division of Motor Vehicles**

The following assumptions apply:

- All local driver license offices and mobile units are currently equipped with computers and internet connections. Accordingly, this service could be provided at no additional fixed cost. However, to maintain the current quality level of customer service and handle the additional workload that this proposed service would entail, additional positions may be necessary.
- Presently, the North Carolina Department of Transportation, Division of Motor Vehicles estimates approximately 320,000 first time customers at its driver license offices for FY2006-07. Of those, approximately 40% are projected to be born in other states; therefore, it is estimated that approximately 128,000 searches will be conducted each year. Each search is assumed to take approximately 1-2 minutes on average, and the printing and signing of the affidavit approximately one minute – for a total of nearly 6,400 additional customer hours. Hence, it is estimated that three additional, full-time equivalent positions would be needed to provide this service.
- Any positions would be filled in December, per the effective date of the bill. Thus, this fiscal estimate accounts for up to three positions beginning in December 1, 2006. These positions are annualized beginning in FY 2007-08, with a 3% cost-of-living adjustment included.

##### **Judicial Branch**

For most criminal penalty bills, the Administrative Office of the Courts provides Fiscal Research with an analysis of the fiscal impact of the specific bill. For these bills, fiscal impact is typically

based on the assumption that court time will increase due to an expected increase in trials and a corresponding increase in the hours of work for judges, clerks, and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

Presently, there is no data with which to project the number of out-of-state registered sex offenders who reside in North Carolina. Nor is there data to project the number of such offenders who would apply for driver licenses or special identification cards, and who would violate the provisions of this bill. Thus, no estimate is available concerning potential increases in workload and other costs to the court system. Current court-time costs for a single jury trial for a Class F felony are \$8,452; a Class 1 misdemeanor \$3,153; and a Class 2 misdemeanor \$2,380. In contrast, court-time costs per plea are \$409 for Class F; \$224 for Class 1; and \$211 for Class 2.

### **Department of Correction**

The Sentencing and Policy Advisory Commission prepares prison population projections for each criminal penalty bill. The Commission assumes for each bill that increasing criminal penalties does not have a deterrent or incapacitative effect on crime. Therefore, the Fiscal Research Division does not assume savings due to deterrent effects for this bill or any criminal penalty bill. Based on the most recent population projections and estimated available prison bed capacity, *there are no surplus prison beds available over the immediate five-year horizon, or beyond.*

*Section 1:* By amending the definition of a “reportable conviction” to include a final conviction in another state, this bill increases the number of persons eligible for conviction of failure to register as a sex offender, a Class F felony (G.S. 14-208.11). In 2004-05, there were 147 convictions under G.S. 14-208.11. For the same fiscal year, 48% of Class F felony convictions resulted in active sentences, with average minimum and maximum terms imposed of 18 and 22 months, respectively; 52% of those convicted received intermediate punishments, primarily special and intensive supervision probation.

Though it is not known how many additional violations might occur as a result of this bill, if two additional convictions occurred per year, it would necessitate one additional prison bed the first year and two additional beds the second year. Assuming this threshold and a medium custody level, the construction of additional prison beds could cost the State \$65,340 the first year, and \$141,134 the second year. For FY 2006-07, the average daily cost per inmate in medium custody is an estimated \$73.10, or approximately \$26,680 per year.

Assuming some intermediate sentencing, additional costs for probation supervision will also be incurred. Presently, general supervision from a probation officer costs the Division of Community Corrections \$1.93 per offender, per day. Special sanctions under intermediate sentences generate higher costs. Intensive supervision probation, the most commonly utilized intermediate sanction, costs \$12.95 per offender per day and is for an average of six months; electronic house arrest costs \$6.71. Such costs are projected to begin in FY 2007-2008, due to the effective date of December 1 and the lag time between charge and conviction.

In addition, offenders supervised by DCC are required to pay a \$30 per month supervision fee. Those on electronic house arrest or electronic monitoring must also pay a one-time \$90 fee. This money is collected by the Court System and goes to the General Fund. The percentage of fees

actually collected cannot be determined from the Court's records, but survey information indicates that the compliance rate for supervised probationers is around 48%.

*Sections 2 and 3:* The bill creates two new offenses for falsely asserting on an affidavit that one's name does not appear on the National Sex Offender Public Registry: 1) a Class 1 misdemeanor for a violation while attempting to obtain a driver license (G.S. 20-30(5)), and 2) a Class 2 misdemeanor for a violation while attempting to obtain a special identification card (G.S. 20-37.8). Because these are new offenses, there is no historical data from which to estimate the impact of these proposed penalties on the State's prison population. In 2004-05, 19% of Class 1 misdemeanor convictions resulted in active sentences, and only 16% of Class 2 misdemeanor convictions resulted in active sentences. The average terms served for each class were 44 and 23 days, respectively. Since offenders serving active sentences of 90 days or less are housed in county jails, additional convictions resulting from this bill would not have a significant impact on the State's prison population. The impact on local prisons cannot be determined. Additional costs are anticipated for special and intensive probation supervision.

**SOURCES OF DATA:** North Carolina Department of Transportation; Department of Correction; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission; and Office of State Construction.

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION:** (919) 733-4910

**PREPARED BY:** Lisa Hollowell and Bryce Ball

**APPROVED BY:** Lynn Muchmore, Director  
Fiscal Research Division



**DATE:** May 26, 2006

**Signed Copy Located in the NCGA Principal Clerk's Offices**