

EFFECTIVE DATE: December 1, 1995; applies to offenses committed then and later.

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

FISCAL IMPACT

<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98	<u>FY</u> 98-99
<u>FY</u> 99-00			

EXPENDITURES

RECURRING NO FISCAL IMPACT

NON-RECURRING

ASSUMPTIONS AND METHODOLOGY:

The proposed legislation adds a new Article 2C to Chapter 14 of the General Statutes making it a Class H felony to engage in a continuing criminal enterprise by committing a felony that is a part of a continuing series of violations undertaken in concert with five or more other persons whom the defendant is supervising, and from which the defendant receives substantial income or resources.

According to the Attorney General's office, the continuing criminal enterprise provision would not generate a large number of prosecutions since by definition these defendants would also be charged with an underlying felony. Rather, the proposed bill would bring additional charges against defendants already in the system. Thus, the Administrative Office of the Courts does not anticipate a significant shift in defense strategy on the part of defendants charged with this additional offense.

The proposed bill also modifies G.S. 105-53(i1) to require that itinerant merchants and peddlers keep written records (an invoice or receipt with certain specified information) of the sources of merchandise offered for sale. The proposed legislation also provides that a merchant's failure to produce the written record at a law enforcement officer's request is prima facie evidence of possession of stolen property.

At the current time, the Administrative Office of the Courts' Court Information System has no offense code for violations of G.S. 105-53, which indicates the relative infrequency of prosecution for these offenses. Thus, the Administrative Office of the Courts believes that the Judicial Branch can absorb within existing resources the costs of any additional cases that may be generated by this proposed legislation.

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

TECHNICAL CONSIDERATIONS: None

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