

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 833 (Third Edition)

SHORT TITLE: Possessing False ID to Get Liquor

SPONSOR(S): Senators Rand; and Allran

FISCAL IMPACT

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

FY 2001-02 FY 2002-03 FY 2003-04 FY 2004-05 FY 2005-06

REVENUES

EXPENDITURES

POSITIONS:

(County jails may experience increased utilization of jail beds due to the penalties imposed by this bill. No data is available to estimate the number of additional beds needed.)

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Administrative Office of the Courts; Department of Corrections

EFFECTIVE DATE: This act becomes effective December 1, 2001, and applies to offenses committed on or after that date.

BILL SUMMARY: Amends Chapter 14 of the General Statutes by adding a new section to make possession or manufacture of fraudulent forms of identification an offense. Any person who knowingly and designedly *possesses* false or fraudulent forms of identification shall be guilty of a Class 1 misdemeanor. Any person who knowingly and designedly *manufactures* a false or fraudulent form of identification shall be guilty of a Class 1 misdemeanor.

The bill further amends G.S. 18B-302(e) by making it unlawful to possess fraudulent identification while attempting to or entering a place where alcoholic beverages are sold or consumed. Any person violating this section shall be guilty of a Class 1 misdemeanor.

ASSUMPTIONS AND METHODOLOGY: The Administrative Office of the Courts (AOC) indicates that while they might see an increase in the number of charges resulting from this proposal, they do not have available data to estimate the number of such charges.

AOC offense code data for calendar year 2000 reveals that about 400 defenders were charged with various offenses involving a fraudulent or false identification card or driver's license. It is unknown how many of these offenders were underage, if any.

The NC Sentencing Commission indicates that since G.S. 14-100.1 covers conduct that is not currently a criminal offense, they cannot estimate how many offenders might be sentenced. However, because the proposed possession offense involves Class 1 misdemeanors, it is not expected to have a significant impact on the prison population.

Further, the NC Sentencing Commission indicates that since G.S. 18B-302(e) amends a misdemeanor offense, it is not expected to have a significant impact on the prison population. It may have an impact on local jail populations. While the Commission cannot project the number of new jail inmates due to this bill, they do know that in FY 1999/2000, 15% of all Class 1 misdemeanor convictions resulted in active sentences. The average sentence length imposed for Class 1 misdemeanors is 45 days. Offenders serving active sentences of 90 days or less are housed in county jails.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910

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DATE: May 17, 2001



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