

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB21

SHORT TITLE: No Gifts for Purchasing Agents

SPONSOR(S): Representative Nye

FISCAL IMPACT: Expenditures: Increase ( ) Decrease ( )  
Revenues: Increase ( ) Decrease ( )  
No Impact (X)  
No Estimate Available ( )

FUND AFFECTED: General Fund ( ) Highway Fund ( ) Local Fund ( )  
Other Fund ( )

BILL SUMMARY: Amends G.S. 143-58.1 to make it a general misdemeanor punishable by fine, imprisonment for up to two years, or both, (1) for any person or firm to give anything of value to a State purchasing agent with the intent to influence the agent's official acts, or to influence the agent to engage in fraud against the State, or to induce the agent to violate his lawful duty, and (2) for any State purchasing agent to accept or solicit anything of value for himself or anyone else in return for being influenced in his official acts, engaging in fraud against the State, or being induced to violate his official duty.

EFFECTIVE DATE: October 1, 1993

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

FISCAL IMPACT

	<u>FY</u> 93-94	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98
EXPENDITURES	0	0	0	0	0
RECURRING					
NON-RECURRING					
REVENUES/RECEIPTS	0	0	0	0	0
RECURRING					
NON-RECURRING					

POSITIONS: No new positions. However, at some point the additional cumulative workload on court officials from bills that impact on the courts cannot simply be absorbed, and additional resources would be required.

ASSUMPTIONS AND METHODOLOGY: The Administrative Office of the Courts predicts there would be relatively few new charges per year under this bill. This estimate is based on the known charging frequency for other bribery offenses. The analysis is as follows.

Under existing law, certain bribery offenses are Class I felonies. G.S. 14-217 prohibits public officers from receiving or agreeing to receive something of value or personal advantage for performing (or omitting to perform) an official act in the scope of official duties and authority, with the express or implied understanding that the official action or inaction was to be influenced by the thing of value or personal advantage. G.S. 14-218 prohibits any person from offering a bribe, whether it is accepted or not.

The general nature of the proposed offense seems similar, and thus knowledge of the frequency of charges under the existing statutes can be used to estimate that few new charges seem likely. During 1992, there were 37 charges filed under the existing bribery statutes (there were 48 convictions). Thus we estimate that there will be a few new cases.

Additional considerations lead to the same conclusion. The bill's provisions focus on purchasing agents, suggesting that there would be a relatively small population of potential offenders. Current bribery offenses are felonies and the proposed new crime is a misdemeanor. On the one hand, this could suggest that more cases would be expected under the new statute (on the theory that it is easier to bring or prove a misdemeanor offense than a felony). However, it seems more likely that charges under this bill may reflect differences in charge and/or plea practices, and not many new, additional cases.

The limited number of expected new cases does not warrant a detailed evaluation of additions to the workload of the clerks of court, district court judges, and district attorneys. No substantial increased costs are predicted for indigent defense, both because the number of cases is expected to be small, and because defendants in these cases may often be "white-collar," and not "indigents" entitled to state-paid counsel.

**SOURCES OF DATA:** AOC data on charged and convicted offenses in 1992.

**TECHNICAL CONSIDERATIONS:** N/A

**FISCAL RESEARCH DIVISION**

733-4910

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**DATE:** 19-MAR-93

[FRD#003]



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