

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 352, House Committee Substitute Favorable 6/2/97, Fourth Ed.
Special Provision: Part XVI, Section 16.15

SHORT TITLE: Intimidation to Influence Legislator

SPONSOR(S): Representative Morgan; Justus, Kiser, Thompson

FISCAL IMPACT

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

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

GENERAL FUND

Correction
Recurring
Nonrecurring

No Fiscal Impact

Judicial
Recurring
Nonrecurring

No Fiscal Impact

POSITIONS: It is anticipated that approximately 0 positions would be needed to supervise the additional inmates housed under this bill. This is based on inmate to employee ratios, provided by the Division of Prisons, for close, medium, and minimum custody facilities (These position totals include security, program, and administrative personnel.).

Close - 2 to 1
Medium - 3 to 1
Minimum - 4 to 1

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

EFFECTIVE DATE: Effective when passed.

BILL SUMMARY: Section 16.15 of Senate Bill 352 (4th Edition). The current G.S. 120-89, a part of the Legislative Ethics Act, prohibits legislator bribery, legislator's solicitation of bribery, and economic threats to a legislator to influence the legislator in the discharge of the legislator's duties.

The proposed change deals with economic threats to third parties to force those parties to attempt influence legislators. Specifically, the new subsection (b1) would make it unlawful for one person to threaten economically another person to compel the latter person to attempt to influence a legislator in the discharge of the legislator's duties. The prohibited act could not be done either directly or indirectly, that is through an agent or representative. A violation of this subsection would be punishable as a Class F felony.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

The Judicial Branch does not have a specific code for offenses relating to legislative ethics violations. This indicates a small number of offenses since "offense codes" are established only when the number of offenses is significant. Based on this finding, the Judicial Branch notes there would not be any major changes in how cases are processed or disposed. The Judicial Branch can absorb any potential new cases within existing resources.

Department of Correction

The Administrative Office of the Courts does not have a specific code for this offense in its database. This suggests that this offense is very rarely charged. Consequently, it is not expected that this change would have any significant impact on prison populations. Existing prison resources can handle any additional inmates that may arise out of the passage of this bill.

TECHNICAL CONSIDERATIONS: None.

SOURCES OF DATA: Department of Correction, Judicial Branch, North Carolina Sentencing and Policy Advisory Commission.

FISCAL RESEARCH DIVISION

733-4910

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