

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 698

SHORT TITLE: Felony Larceny Amount

SPONSOR(S): Representative Flaherty

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 various statutes to increase the amount required to be involved to constitute felonious larceny to \$1000. Statutes involved and previous amount involved to constitute a felony are: G.S. 14-168.1, conversion by bailee, lesee, tenant, or attorney-in-fact, \$400; G.S. 15B-7, false application for victim compensation, \$400; G.S. 108A-39, fraudulent application for public assistance, \$400; G.S. 108A-64, fraudulent application for medical assistance, \$400; G.S. 157-29.1, fraudulent application for housing assistance, \$400; G.S. 14-398, theft of books, art works, or collected material from a public library, museum, gallery, or governmental office, \$50; G.S. 14-107, issuing worthless checks, \$2000; G.S. 14-141, burning another's crops, \$2000; and G.S. 108A-53, fraudulent defrauding food stamp program, \$2000.

EFFECTIVE DATE: December 1, 1993; applicable to offenses committed after that date.

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

ASSUMPTIONS AND METHODOLOGY: Under HB 698, conversion by bailee, lesee, tenant, or attorney-in-fact; false application for victim compensation; fraudulent application for public assistance; fraudulent application for

medical assistance; and fraudulent application for housing assistance would be misdemeanors when the value of the goods involved is more than \$400 and less than \$1000 (such offenses are presently Class H or I felonies). Similarly under HB 698, theft of books, art works, or collected material from a public library, museum, gallery, or governmental office would be a misdemeanor when the value of the goods involved is more than \$50 and less than than \$1000 (currently Class H felonies). By raising the threshold dollar amount for the above felony offenses, some cases that are presently prosecuted as felonies would be misdemeanors. For those cases affected by this bill, there would be some cost savings from processing these cases as district court misdemeanors rather than superior court felonies. Pertaining to the Department of Correction (DOC), cost savings would be realized since it is assumed that fewer and shorter sentences of incarceration would result based on additional misdemeanor convictions and fewer felony convictions.

Regarding the worthless check, burning crops, and food stamp offenses affected by this bill, only potential increased costs from the worthless check and food stamp felonies are considered. (It is assumed that due to the few cases involving the burning of another's crops, no significant fiscal impact would result from lowering the threshold dollar amount for felony offenses.)

In a fiscal note prepared in 1991 for a similar bill, the Administrative Office of the Courts estimated that approximately 1.5% of all worthless check charges or 2,905 worthless checks exceed the \$1000 threshold. Of this number, an unknown percentage would be expected to fall within the \$1000 to \$2000 range affected by this bill. These offenses that are currently tried as misdemeanors would become felonies as the result of this bill.

Likewise, in the previously referenced note, approximately 152 cases involving the fraudulent defrauding of the food stamp program were identified to involve a dollar amount over \$1000. Again, some of these 152 cases would not be expected to fall within the \$1000 to \$2000 range affected by this bill.

For the number of worthless check and food stamp cases that are affected by this bill, additional costs for new felony proceedings could be expected. However, since data is not available on how many new cases can be expected within the time constraint that this note has been prepared, it is assumed that the net impact of HB 698 would not involve additional costs. This assumption is based on the determination that cost savings would occur as a result of increasing thresholds identified in the first paragraph of this note.

SOURCES OF DATA: Administrative Office of the Courts
FISCAL RESEARCH DIVISION: 733-4910
PREPARED BY: Brenda S. Beerman and Carolyn H. Wyland
APPROVED BY: Tom Covington TOMC
DATE: 22-APR-93
[FRD#003]



Signed Copy Located in the NCGA Principal Clerk's Offices