

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 222—PCSSC-001

SHORT TITLE: Strengthen Littering Laws

SPONSOR(S): Rep. William Mitchell

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>
REVENUES	\$666,675	\$666,675	\$666,675	\$666,675	\$666,675
EXPENDITURES		NONE			
POSITIONS:		NONE			
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Administrative Office of the Courts, Community Service Work Program (Crime Control and Public Safety); Division of Motor Vehicles					
EFFECTIVE DATE: December 1, 1999					

BILL SUMMARY: H 222. STRENGTHEN LITTERING LAW. TO STRENGTHEN THE LITTERING LAW BY INCREASING THE MINIMUM AND MAXIMUM FINES, BY REQUIRING COMMUNITY SERVICE IN THOSE INSTANCES WHERE IT IS CURRENTLY PERMISSIVE, AND BY AUTHORIZING AN INSURANCE PREMIUM SURCHARGE AND ASSESSMENT OF POINTS PURSUANT TO G.S. 58-30.4 FOR PERSONS CONVICTED OF LITTERING. Amends GS 14-399 (basic prohibition against littering) to raise the minimum and maximum fines for each kind (first or subsequent offense, size of litter) of offense and to require community service (picking up litter, if feasible) where it is now discretionary. For amounts exceeding 500 pounds or for commercial purposes or hazardous waste, the court must (now, may) order removal and repair and community service relating to removal of litter and repair of damaged areas. Bill also removes provision specifying that no insurance premium surcharge or assessment of points may be made for a finding of guilt for littering. Defines "commercial purposes" as an offense committed by a business, corporation, association, partnership, sole proprietorship, or any other entity conducting business for economic gain, or by an employee or agent of such entity.

Also directs DMV to include at least one question on littering on next drivers license exam.

ASSUMPTIONS AND METHODOLOGY:

I. Fine Increase

This bill does not affect the criminal penalty for littering (Class 3 Misdemeanor for quantities through 500 pounds; Class I Felony for higher quantities, commercial or hazardous) but raises the fines for the misdemeanor penalty. The statute specifies the minimum and maximum fine for each violation but the judge has some discretion in setting the exact amount. The amounts are changed as follows:

Not exceeding 15 pounds/1 st offense	raise minimum from \$100 to \$250 Maximum from \$500 to \$1000
Not exceeding 15 pounds/subse offense	minimum from \$100 to \$500 Maximum from \$1000 to \$2000
Exceeding 15 pounds	
Not exceeding 500 pounds/1 st offense	minimum from \$100 to \$500 Maximum from \$1000 to \$2000

In Calendar Year 1998, there were 3,229 charges for misdemeanor littering and 1,944 convictions. The Administrative Office of the Courts does not keep data broken down by specific criminal fines so we do not know the total amount of fine collected.

1,851 of the convictions were for amounts not exceeding 15 pounds. Assuming judges have on average used the midpoint of the range of possible fines, the average fine will increase from \$300 to \$625. Assuming all 1,851 convictions were first offenses, this increases fines levied by \$601,575 (=1851*325).

An additional 93 convictions were for amounts from 15 pounds-500 pounds. Again assuming the midpoint of the range of fines, the average fine will increase from \$550 to \$1250, increasing total fines levied by \$65,100.

The total increase in fines	\$601,575
	<u>\$ 65,100</u>
	\$666,675

To the extent that more of the CY 1998 convictions were subsequent offenses or that judges levy fines closer to the maximum, this figure will increase. (If judges have been and continue levying the maximum fine, the total increase would be \$1.02 Million. If they choose the minimum fines, increase would be \$314,850)

II. Community Service Work Requirement

Current statute allows the judge to order community service for all categories of the offense, specifying the range of possible hours and that the service shall be picking up litter if feasible. The Community Service Work Program reports that they currently have only a handful of offenders sentenced for littering. Based on 1,994 convictions and assuming judges will use the midpoint of the range of possible hours, this section would increase total community service work hours as follows:

Amounts less than 15#/1st offense	@ 16 hours: 29,616
Amounts greater than 15#	@ 33 hours: 3,069
Over 500 or commercial	hours not specified
Total Increase in Hours	32,685

(If judges choose the minimum hours, increase would be 17,040; if they choose the maximum it will be 53,724)

In 1997-98, hours worked in the Community Service Work Program totalled 2.35 Million. Increases in the number of offenders and hours can be absorbed by the Department within current resources.

III. License Exam

Because the statute specifies a question on littering shall be included in the next examination, there is no fiscal impact of this section. The new question will be added at the time of next redesign/reprinting of the exams.

IV. Administrative Office of the Courts

The higher fines and mandatory community service requirement may cause defendants to mount a more vigorous defense which would increase the workload in the court system. However, no data is available to estimate this impact.

TECHNICAL CONSIDERATIONS

Most offenders sentenced to Community Service must pay a \$100 fee which goes to the General Fund. The statutes governing different aspects (for DWI offenders, for parolees, etc) of the Community Service program specify this fee. Since GS 14-399 does not specify the fee, littering offenders would not be obligated to pay it unless the judge specifically includes it in their order. If all littering offenders sentenced to Community Service paid the fee, it would generate an additional \$194,400 .

FISCAL RESEARCH DIVISION 733-4910

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DATE: Monday, April 19, 1999



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