

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** SB 769 Amend Larceny of Ginseng

**SHORT TITLE:** Amend Larceny of Ginseng

**SPONSOR(S):** Senator Foxx

**FISCAL IMPACT**

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

**FY 1999-00   FY 2000-01   FY 2001-02   FY 2002-03   FY 2003-04**

**REVENUES**

**EXPENDITURES**

Please see the **Assumptions and Methodology** section.

**POSITIONS:**

**PRINCIPAL DEPARTMENT(S) &  
PROGRAM(S) AFFECTED:** Judicial Branch

**EFFECTIVE DATE:** December 1, 1999

**BILL SUMMARY:**

The bill would amend the provisions under which a Class H felony would apply to the larceny of ginseng. No longer would the ginseng have to be in beds and surrounded by a lawful fence for the felony to occur. The bill provides for a Class H felony and would expand the territory included from Alleghany, Ashe, Guilford, Rockingham, Stokes, Surry, and Watauga counties to statewide.

**ASSUMPTIONS AND METHODOLOGY:**

The bill would include “wild” ginseng under the penalty provided as opposed to only “cultivated” ginseng which is grown in beds and may be surrounded by a fence. During the 1997-98 harvest, 9,182 pounds of wild ginseng were purchased by dealers at approximately \$300 per pound. Cultivated ginseng that was sold to dealers totaled 31 pounds, averaged \$20 per pound, and was grown in three counties: Alleghany, Ashe, and Madison. Two of these three

counties are covered by the current law. The wild ginseng that was sold was grown in 37 counties mainly in the mountains and foothills. About 10 percent was grown in the counties listed in the current law. The total value of the ginseng covered under current law would be up to \$138 and under the bill would be almost \$2.8 million. Expanding current law to include wild ginseng and all the counties in which it is grown would probably increase the number of larceny of ginseng charges.

### Judicial Branch

According to the Administrative Office of the Courts (AOC), current violations of G.S. 14-79 may be infrequent. There were not enough offenses charged in order for this to qualify as its own offense code in AOC files. The AOC is unable to estimate the current or potential number of cases of larceny of ginseng but believes it would not be likely to have a substantial impact on the court system.

Although the bill would significantly expand the circumstances under which the offense could be charged, the Fiscal Research Division believes that there would be no more than a few offenses litigated. The Fiscal Research Division contacted the Department of Agriculture to determine the frequency of ginseng larceny. The findings were that a few cases of ginseng larceny have occurred recently in Wilksboro, Macon, and Graham county. Other cases are in the Henderson to Cherokee area. Without more specific information on the frequency with which the offense occurs, the AOC and Fiscal Research Division are unable to estimate the fiscal impact, but believe it to be minimal.

### Correction

Although the bill provides a Class H felony penalty, the expected infrequency of offenses charged would lead the Sentencing Commission to estimate the bill would have no significant impact on Department of Correction prison populations and the Fiscal Research Division agrees with this conclusion.

### **TECHNICAL CONSIDERATIONS:**

**FISCAL RESEARCH DIVISION 733-4910**

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**APPROVED BY:** Tom Covington

**DATE:** Tuesday, April 06, 1999



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