

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** HB 1196 < 1<sup>st</sup> Edition >  
**SHORT TITLE:** Increase Certain Shoplifting Penalties  
**SPONSOR(S):** Representatives Goodwin; and Barefoot

**FISCAL IMPACT**

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

FY 2001-02    FY 2002-03    FY 2003-04    FY 2004-05    FY 2005-06

**REVENUES**

**EXPENDITURES**

County Jails – Impact expected but no estimate available  
Judicial Branch --Impact expected but no estimate available

**POSITIONS:** 0

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

**EFFECTIVE DATE:** This act is effective on December 1, 2001, and applicable to offenses committed on or after that date.

**BILL SUMMARY:**

This bill amends GS 14-72.1 to increase the penalty for person convicted under the section for concealing merchandise or transferring price tag, if the person has a prior conviction for one of those offenses or for larceny, receiving stolen goods, or possessing stolen goods. If the person has one such prior conviction within the three years preceding the current conviction, the new offense is a Class 2 misdemeanor, and the term of imprisonment imposed may be suspended only on condition that the defendant be imprisoned for at least 72 hours as a condition of special probation, perform community service for at least 72 hours, or both. If the person has two or more prior convictions for such offenses within the five years preceding the current conviction, the new offense is a Class 1 misdemeanor, and

the term of imprisonment imposed may be suspended only if a condition of special probation requires the defendant to serve a term of at least 11 days. In either case, if the judge finds the defendant is unable, by reason of mental or physical infirmity, to perform the service required and sets forth the reasons in the judgment, the judge may pronounce such other sentence as the judge finds appropriate.

**ASSUMPTIONS AND METHODOLOGY:**

Department of Correction

Since the proposed bill affects misdemeanor offenses, it is not expected to have a significant impact on the prison population. However, Fiscal Research believes it could have an impact on county jail populations since the bill would require at least 72 hours in jail (as a condition of probation) if the defendant has one prior conviction or at least 11 days if the defendant has two prior convictions.

Judicial Branch

By increasing the scope of prior offenses that qualify for the misdemeanor upgrade and the penalty enhancements, AOC notes, this bill dramatically increases the potential number of offenders who might be affected. The following table indicates the number of persons charged in calendar year 2000 in the various categories of offenses that are included as prior convictions in this bill:

Statute Number	Statute Title	Number of Persons Charged	
14-71	Receiving Stolen Goods	71 (Misd)	122(Fel)
14-71.1	Possession of Stolen Goods	6,902 (Misd)	9,446(Fel)
14-72 <sup>1</sup>	Larceny of property; receiving stolen goods or possessing stolen goods	46,940	
14-72.1	Concealment of merchandise in mercantile establishments	7,051	
<b>TOTAL</b>		<b>70,532</b>	

Although there is no change from current law in the punishments assigned to the various categories of repeat offenders, this total of 70,532 defendants is approximately 10 times the number of defendants who are subject to the misdemeanor class upgrade and the resultant penalty enhancement. Therefore, it is quite probable that there would be a significant increase in the number of defendants. This would likely result in more vigorous defense of both first and second charges, with an associated increase in court time and defense expenditures.

Although, the AOC has no data readily available from which to estimate the number of defendants affected, nor to estimate the fiscal impact proscribed under this bill, Fiscal

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<sup>1</sup> Statute number 14.72 and its subsections comprise several offenses and offense codes from AOC databases. These include: Larceny of a Firearm, Felony Larceny, Misdemeanor Larceny, Larceny from a Person, Larceny after breaking and entering, Felony Larceny of a Motor Vehicle, and Misdemeanor Larceny of a Motor Vehicle.

Research believes the amendments could have a significant fiscal impact on the court system.

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

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION:** 733-4910

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**APPROVED BY:** James D. Johnson

**DATE:** April 23, 2001



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