

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 579 (Statute of Limitations Provisions)

SHORT TITLE: Changes in Campaign Finance Laws

SPONSOR(S): Senator Gulley

FISCAL IMPACT

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

(in millions)

FY 1998-99 **FY 1999-00** **FY 2000-01** **FY 2000-02** **FY 2001-03**

GENERAL FUND

Correction

Recurring

Nonrecurring

No Fiscal Impact

Judicial

Recurring

Nonrecurring

TOTAL EXPENDITURES

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: Dept. of Correction; Judicial Branch

EFFECTIVE DATE: G.S. 163-278.27(a) amendment effective when act becomes law; G.S. 15-1 amendment effective December 1, 1998

BILL SUMMARY: *STRENGTHEN ENFORCEMENT PROVISIONS OF CAMPAIGN FINANCE VIOLATIONS.* G.S. 163-278.27(a) currently makes violations of most campaign finance statutes a Class 2 misdemeanor. This

bill amends G.S. 163-278.27(a) by adding a five-year statute of limitations on prosecution of these offenses. Effective Dec. 1, 1998, the bill also amends G.S. 15-1 to provide that prosecutions of offenses under campaign finance laws need not be presented or found by a grand jury within two years of the commission of the offense.

ASSUMPTIONS AND METHODOLOGY:

Department of Correction

The Administrative Office of the Courts currently does not have specific offense codes relating to campaign finance 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 Sentencing and Policy Advisory Commission expects that the proposed change to the statute of limitations would have little or no impact on prison population.

Judicial Branch

Extending the statute of limitations would produce an increase in the number of campaign finance violation cases, which could lead to more jury trials. Since trials consume more court and personnel time than guilty pleas and other manners of disposition, they are much more expensive. Thus, extending a statute of limitations has a fiscal impact on the courts.

However, as noted above, the Administrative Office of the Courts does not have an offense code for this particular statute and thus there is no data on how often the existing misdemeanor is charged. The absence of an offense code usually indicates that few defendants are charged with that particular crime. Therefore, the small number of offenses and convictions caused by this bill would have little or no fiscal impact on the court system.

SOURCES OF DATA: North Carolina Sentencing and Policy Advisory Commission, Judicial Branch

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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