

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 152 (=Senate Bill 228), First Edition

SHORT TITLE: Child Abuse/No Report Misdemeanor

SPONSOR(S): Rep Easterling, Adams, Alexander, Baddour, Clary, Cunningham, Goodwin, H Hunter, Insko Jarrell, Moore, Morris, Nosley, Nye, Smith, Wainwright, Warner, Wright and Yongue. Senator Winner

FISCAL IMPACT

Yes () No () No Estimate Available (x)

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

REVENUES

EXPENDITURES

POSITIONS:

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

EFFECTIVE DATE: When it becomes law

BILL SUMMARY: **H 152. CHILD ABUSE REPORT PENALTY.** *TO IMPOSE A CRIMINAL PENALTY FOR THE WILLFUL FAILURE TO REPORT CHILD ABUSE, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.* Amends GS 7A-543 (which requires any person with cause to suspect that a juvenile is abused, neglected, or dependent or has died as a result of maltreatment to report the case to the department of social services) to add a provision that knowing and willful failure to make a required report or knowing and willful prevention of another from making a report is a class 3 misdemeanor.

ASSUMPTIONS AND METHODOLOGY: Current law requires anyone who has cause to suspect a child is abused, neglected or dependent to report the case to the Department of Social

Services but does not specify a penalty for failure to report. This bill specifies that anyone knowingly and willfully fails to report is guilty of a Class 3 Misdemeanor.

The Sentencing Commission predicts this bill would have no significant impact on the prison population (since the penalty is a misdemeanor) and only a small impact on county jails.

The Judicial Branch feels that this bill would have a fiscal impact on the Judicial Branch due to an increased number of misdemeanor cases. However, they are not able to provide a specific estimate of the impact.

It is difficult to project the number of abuse cases that are not currently being reported and the number of failures to report that would be discovered and prosecuted. The number of child abuse/neglect/dependency cases that were reported (57,907) and the number prosecuted (3,553) last year are known. The majority (68.5%) of the reports were unsubstantiated. Also, it is estimated that 2/3rd of child abuse cases are never reported. Using last year's number of substantiated cases as a guide there could be 36,482 unreported cases each year. If the abuse itself is not detected there is unlikely to be a charge for failure to report.

Another approach is to look at the number of reported substantiated cases (18,241). In some of these cases there may be individuals who should have reported the case but did not and may face prosecution. These cases are more likely to receive attention where there is enough evidence to bring criminal charges against the abusers, a much smaller number.

There is also a possible impact on County Departments of Social Services in two areas. First of all, more people may be spurred to report both substantiated and unsubstantiated cases, potentially increasing investigative workloads. Second, in cases where a failure to report is detected, Child Protective workers may be involved in tracking the case through the court system.

In summary, there is indication that this bill will result in some increase in the number of misdemeanor cases. Whether the number is significant is impossible to predict. Each new misdemeanor case typically requires 15-30 minutes time in District Court.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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