

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 287

SHORT TITLE: AMEND STATUTORY RAPE LAW

SPONSOR(S): SENATOR ALLRAN

FISCAL IMPACT: Expenditures: Increase ( ) Decrease ( )
Revenues: Increase ( ) Decrease ( )
No Impact ( )
No Estimate Available (X)

FUNDS AFFECTED: General Fund ( ) Highway Fund ( )
Local Fund ( ) Other Fund ( )

BILL SUMMARY: "TO AMEND THE LAW REGARDING STATUTORY RAPE AND THE AGE OF CONSENT." Amends G.S. 14-27.2(a) and -27.4 to make it statutory rape and statutory sexual offense when victim is under the age of 16 (now, 13) and the defendant is at least 12 years old and 5 years older than victim (now, 4).

EFFECTIVE DATE: December 1, 1995

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Branch; Department of Correction

FISCAL IMPACT

Table with columns for fiscal years (FY 95-96, FY 96-97, FY 97-98, FY 98-99, FY 99-00) and rows for EXPENDITURES (NON-RECURRING, RECURRING), REVENUES/RECEIPTS, and POSITIONS. Includes the label RECURRING on the right side.

ASSUMPTIONS AND METHODOLOGY:

The proposed legislation amends the law regarding statutory rape and the age of consent. There is no estimate available as to the fiscal impact of this proposed legislation on the Judicial Branch or on the Department of Correction as no data is available with which to calculate the number of individuals that would be affected by the changes contained therein.

Raising the age of consent from thirteen to sixteen: Raising the age of consent from thirteen to sixteen for first-degree rape and first-degree sexual offense may significantly increase the number of potential victims and defendants. However data is not available to indicate: (1) the number of incidents involving thirteen, fourteen and fifteen-year-olds in conduct amounting to statutory rape or statutory sexual offense under the proposed legislation; (2) how many incidents would be reported to the authorities; (3) how many cases would involve plea bargains; and (4) how many cases would go to trial.

Age of offenders: Under the proposed legislation, the defendant must be at least 12 years old and at least 5 (now, 4) years older than the victim. However, the Administrative Office of the Courts cannot estimate how many incidents would involve offenders five or more years older than the victims as it is not current practice for social services agencies, such as DSS Children's Services - Child Protective Services, the Victim's Assistance Network, the Crime Commission, and the Coalition Against Sexual Assault to keep data on the age difference between rape victims and their assaulters.

Trials: Even if the number of cases and incidents were to increase significantly, it is unlikely many cases would go to trial. Under existing law, according to several district attorneys, ten percent or fewer of statutory rape cases proceed to trial. The district attorneys attribute this low percentage, in part, to juries that are desensitized and less sympathetic to victims in the specified age range. In addition, the prosecuting witnesses are often reluctant to testify. The district attorneys sampled by AOC believe many cases go unreported due to, in addition to others, the aforementioned factors.

**SOURCES OF DATA:** Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission

**FISCAL RESEARCH DIVISION**

**733-4910**

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**DATE:** March 17, 1995

**[FRD#003]**



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