

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 742 2nd Edition Committee Substitute Teacher/Student/No Sex Acts

SHORT TITLE: Teacher/Student/No Sex Acts

SPONSOR(S): Senators Dalton & Garrou

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

No reliable estimate available. Any fiscal impact could be Absorbed with existing resources.

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch, Department of Correction

EFFECTIVE DATE: December 1, 1999 and applies to offenses committed on or after that date.

BILL SUMMARY:

TEACHER/STUDENT/NO SEX ACTS-2. TO MAKE IT UNLAWFUL FOR A SCHOOL TEACHER OR ADMINISTRATOR TO ENGAGE IN SEXUAL ACTS WITH A STUDENT.

Amends GS 14-27.7 to make it a Class G felony (unless another law provides for greater punishment) for a defendant who is employed as a teacher or administrator in a school to engage in vaginal intercourse or a sexual act with a victim who is 16, 17, or 18 years old and attends classes at that school. Provides that consent is not a defense. Effective Dec. 1, 1999, and applies to offenses committed on or after that date.

Source: Institute of Government, Daily Bulletin, April 5, 1999.

The committee substitute changes the offense from a Class G felony to a Class H felony and restricts the age of the student to 16 or 17 years old.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

The Fiscal Research Division believes the bill would have a minimal impact on the judicial system because of the anticipated low number of offenses charged. The Administrative Office of the Courts (AOC) does not have an estimate of the possible number of cases. Based on the 1997-98 Annual Report on School Violence by the State Board of Education and the Department of Public Instruction, the Public Schools of North Carolina reported extremely few cases of sexual offenses involving school staff and a student. It is unknown if the students involved that were in the ninth through twelfth grades were 16 or 17 years old. These cases would be charged under a current offense. There may be additional cases of consensual sex that would create new charges under this bill but the AOC and the Fiscal Research Division would expect the number of cases to be very low as well. As a result, the Fiscal Research Division believes any additional cases could be absorbed within existing resources.

Department of Correction

Because of the expectation of so few cases, the Fiscal Research Division believes that the impact on the Department of Correction would be minimal. There is no direct fiscal impact resulting from the passage of this bill because any additional beds of this magnitude and their associated costs can be absorbed within the DOC's existing budget.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Tammy Lester

APPROVED BY: Tom Covington

DATE: Monday, April 19, 1999



Signed Copy Located in the NCGA Principal Clerk's Offices