

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7153

BILL NUMBER: HB 1224

DATE PREPARED: Jan 6, 2000

BILL AMENDED:

SUBJECT: Reporting crimes against children.

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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill makes it a Class D felony for a person who believes or has reason to believe that a child is the victim of a violent crime to fail to immediately report the crime to the local child protection service or local law enforcement agency. It specifies that the reporting requirement does not apply to the reporting of reasonable corporal punishment. It provides that a person making the report in good faith is immune from civil or criminal liability.

Effective Date: July 1, 2000.

Explanation of State Expenditures: Under current law, individuals commit a Class B misdemeanor if they have reason to believe abuse or neglect occurred and if they knowingly fail to make a report of child abuse or neglect. As proposed by this bill, persons who fail to make a report of a violent crime would commit a Class D felony. Under current law, a violent crime is a felony of any kind or a Class A misdemeanor that results in bodily injury or death to the victim but does not include vehicular related crimes.

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$17,500 in FY 98. Individual facility expenditures range from \$11,900 to \$29,400. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten and a half months.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class B misdemeanor is \$1,000 while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are

\$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class B misdemeanor is up to 180 days. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs Association.