

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

301 State House
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FISCAL IMPACT STATEMENT

LS 6039
BILL NUMBER: HB 1008

DATE PREPARED: Nov 16, 2000
BILL AMENDED:

SUBJECT: Sexual Misconduct with a Minor.

FISCAL ANALYST: Mark Goodpaster
PHONE NUMBER: 232-9852

FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person at least 18 years of age who, with a child at least 14 years of age but less than 18 years of age: (1) performs or submits to sexual intercourse or deviate sexual conduct; or (2) performs or submits to any fondling or touching of either the child or the older person with intent to arouse or to satisfy the sexual desires of either the child or the older person; commits sexual misconduct with a minor. (Current law provides that, for sexual misconduct with a minor to be committed, the child with whom the action is taken must be at least 14 years of age but less than 16 years of age.)

Effective Date: July 1, 2001.

Explanation of State Expenditures: This bill creates provisions wherein more Class A, B, or C felonies may be charged under the crime of sexual misconduct with a minor. The following represents current Department of Correction (DOC) incarceration statistics for these crimes.

Felons Admitted to DOC for Sexual Misconduct with a
Minor as the Most Serious Offense by Fiscal Year

<u>Felony</u>	<u>Prison Term</u>	<u>Avg Time Served</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
Class A	20 to 50 yrs.	10.2 years	n/r	n/r	n/r	n/r	n/r
Class B	6 to 20 yrs.	3.5 years	0	6	24	38	76
Class C	2 to 8 yrs.	1.9 years	31	59	37	73	119

n/r - not reported

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for all felonies is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

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

Information Sources: Indiana Sheriffs Association, Department of Correction.