

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

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7302**  
**BILL NUMBER: SB 206**

**DATE PREPARED:** Apr 11, 2001  
**BILL AMENDED:** Apr 11, 2001

**SUBJECT:** Child Pornography.

**FISCAL ANALYST:** Mark Goodpaster  
**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

(A) It permits forfeiture of equipment used in preparing or disseminating child pornography or material harmful to minors. (B) It prohibits making available to another person a computer containing material harmful to minors (a Class A misdemeanor). (C) It raises the penalty for child exploitation from a Class D felony to a Class C felony. (D) It specifies that the laws concerning child exploitation, possession of child pornography, and obscenity and pornography apply to digitized images. (E) It excludes from dissemination of matter harmful to minors (a Class D felony) material sent over the internet, unless the matter is obscene, is child pornography, or was deliberately sent to a child the sender knows to be less than 18 years of age.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** (Revised) Provision C and D: The number of offenders who were committed to the Department of Correction between FY 1996 and FY 2000 for child exploitation are shown below:

<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
3	2	4	0	3

A Class C felony is punishable by a prison term ranging from two to eight years. The period of incarceration will depend upon mitigating and aggravating circumstances. 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 per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The average length of stay for all Class C felony offenders is approximately two years.

**Explanation of State Revenues:** (Revised) Provision A could increase the amount of assets that the Indiana

State Police could seize if the agency makes arrests involving equipment used in producing child pornography.

Provisions B, C and D: More revenue to the Common School Fund could be collected if more offenses are prosecuted. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class C felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

**Explanation of Local Expenditures:** (Revised) Provision B: The maximum term of imprisonment for a Class A misdemeanor is one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

**Explanation of Local Revenues:** (Revised) Provision A could increase the amount of assets that local law enforcement agencies could seize if these agencies make arrests involving equipment used in producing child pornography.

Provisions B, C and D: No additional revenues would be expected since the court fees for a Class C felony and a Class A misdemeanor are \$120.

**State Agencies Affected:** Department of Correction.

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

**Information Sources:** Indiana Sheriffs Association.