

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

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 8056**  
**BILL NUMBER: SB 373**

**DATE PREPARED:** Jan 14, 2001  
**BILL AMENDED:**

**SUBJECT:** Department of Correction Ombudsman.

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

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

**IMPACT:** State

<b>STATE IMPACT</b>	<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003</b>
<b>State Revenues</b>			
<b>State Expenditures</b>		<b>200,000</b>	<b>200,000</b>
<b>Net Increase (Decrease)</b>		<b>(200,000)</b>	<b>(200,000)</b>

**Summary of Legislation:** This bill has the following provisions:

- (A) It provides that the Board of Correction shall determine salaries and other personnel matters of the Department of Correction Ombudsman Bureau (Bureau).
- (B) It establishes the Bureau for offenders who allege that their health or safety has been endangered or that the Department of Correction has violated a law, rule, or written policy.
- (C) It provides that the ombudsman and a person who provides records to the Ombudsman are immune from civil liability.
- (D) It makes certain actions that impede the Ombudsman's investigation a Class A misdemeanor.
- (E) It appropriates \$200,000 to the Bureau for both FY 2002 and FY 2003.

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

**Explanation of State Expenditures:** This Bureau would be established as a separate bureau in the Department of Correction. The added appropriation for this bill would be \$200,000 for each year of the biennium.

For illustrative purposes, a comparable office and position of Long-Term Care Ombudsman exists within the Family and Social Services Administration. The annual costs to operate this office is \$135,000. The administrative budget for the Office of the Long-Term Care Ombudsman is provided in the table, below.

<b>ITEM</b>	<b>Budget</b>
Personnel Costs (Ombudsman)	\$56,700
Other Services ( i.e. telephone, subscriptions)	\$4,820
Services by Contract	\$45,076
Supplies	\$14,806
Equipment	\$3,682
Indirect Costs	\$7,710
Out-of-State Travel	\$2,500
Total Costs	\$135,294

**Explanation of State Revenues:** This bill provides for a Class A misdemeanor for certain actions that impede the Ombudsman's investigation. 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 a Class A misdemeanor is \$5,000. 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:** A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail 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:** Board of Correction.

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

**Information Sources:** Family and Social Services Administration, Office of the Long-Term Care Ombudsman.