

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

301 State House
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FISCAL IMPACT STATEMENT

LS 6543

BILL NUMBER: HB 1051

DATE PREPARED: Nov 29, 2001

BILL AMENDED:

SUBJECT: False Reporting.

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a person who makes a false report commits a Class C felony if, in response to the false report, a physician prescribes diagnostic testing or medical treatment and the bill makes it a Class C felony for a person to disseminate a substance with the intent to cause a reasonable person to believe that the substance is a weapon of mass destruction. The bill also provides enhanced penalties if dissemination of the substance results in diagnostic testing, medical treatment, or serious bodily injury.

Effective Date: July 1, 2002.

Explanation of State Expenditures: Under current law, false reporting is a Class D felony including reporting that an explosive or other destructive substance, or a weapon of mass destruction has been placed in a building or facility, or reporting that there has been tampering with a consumer product. The bill would provide for a Class C felony for false reporting if the act results in a physician prescribing diagnostic testing or medical treatment for another person.

Additionally, the bill would create a Class C felony for malicious mischief which includes a person knowingly or intentionally placing or disseminating a device or substance to cause the reasonable person to believe that it is a weapon of mass destruction. The offense would be a Class B felony if as a result of the act a physician prescribes diagnostic testing or medical treatment for another person or if a person suffers serious bodily injury.

A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances, and a Class B felony is punishable by a prison term ranging from six to twenty years depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312. (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. The average length of stay in DOC facilities for all Class C felony offenders is approximately 2 years, and the average length of stay in DOC facilities for all Class B felony offenders is approximately 3.7 years.

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 a Class C felony or a Class B felony 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. (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.