

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

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7109**

**BILL NUMBER:** HB 1362

**NOTE PREPARED:** Jan 6, 2003

**BILL AMENDED:**

**SUBJECT:** Personal Liability for Judges and Prosecuting Attorneys.

**FIRST AUTHOR:** Rep. Dobis

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

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

**IMPACT:** State

**Summary of Legislation:** The bill requires the Governor to determine whether the state will pay damages or settlements in civil rights lawsuits filed against judges or prosecuting attorneys involving claims of politically motivated retaliation.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** Under the current law, the state pays all expenses incurred by a judge or prosecuting attorney from threatened, pending, or completed action that arises from making, performing, or failing to make or perform a decision, duty, obligation, privilege, or responsibility of the office. Under the bill, a claim or suit involving both a violation of federal civil rights law and a claim of politically motivated retaliation would be paid only if the Governor determined the judgment, compromise, or settlement is in the best interest of the state. Over the last five years, tort settlement and judgement expenditures ranged from \$3.3 M to \$8.2 M annually.

Payments of settlements and judgements involving judges and prosecuting attorneys are not separately identified within this amount. Assuming that the amount paid for claims against judges and prosecuting attorneys remains constant each year, savings to the state General Fund would depend on the Governor's decision in each case. To the extent that the total amount of expenditures varies by year, there is no method available to estimate the fiscal impact of the bill on state expenditures. It is estimated that the number of cases covered by this provision will be small.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Office of the Attorney General.

**Local Agencies Affected:**

**Information Sources:** Jennifer Thuma, Legislative Counsel, Attorney General Office, 317-233-6143.

**Fiscal Analyst:** Karen Firestone, 317-234-2106