

**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 7200

BILL NUMBER: SB 479

NOTE PREPARED: Apr 8, 2003

BILL AMENDED: Apr 8, 2003

SUBJECT: Protective Orders.

FIRST AUTHOR: Sen. Clark

FIRST SPONSOR: Rep. L. Lawson

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

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

- (A) It requires the clerk of a court that issues a workplace violence restraining order to provide a copy of the order and the confidential sheet to the employer. It specifies that a workplace violence restraining order may not be issued if the dispute is related to a strike or labor dispute.
- (B) It requires the Division of State Court Administration to develop and adopt forms for no contact orders and workplace violence restraining orders.
- (C) It amends the definitions of employee and employer.
- (D) It requires certain language to appear on a protective order, no contact order, and workplace violence restraining order.
- (E) It provides that a parent in a paternity or divorce proceeding may request a protective order against the other parent from the court in which the paternity or divorce matter is pending.
- (F) It provides that a court may issue certain types of relief in a protective order before a hearing.
- (G) It provides that a court may consider violation of a no contact order or a workplace violence restraining order in determining the sentence to impose for a crime.
- (H) It allows a law enforcement officer to arrest a person in certain situations.
- (I) It prohibits sex crime victims from being required to submit to a polygraph examination.
- (J) It makes technical corrections.

Effective Date: July 1, 2003.

Explanation of State Expenditures: *Provisions B and D:* The Division of State Court Administration has already developed the forms necessary under this bill. These forms are available on the Division of State Court Administration website.

Provision G would add to the number of aggravating factors that the court may consider when determining the terms of imprisonment. The following table shows the presumptive and maximum prison terms that a court may impose for felonies:

Felony Class	Presumptive	Maximum
Murder	55 years	65 years
A	30 years	50 years
B	10 years	20 years
C	4 years	8 years
D	1.5 years	3 years

The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Provision A*: Under current law, when a protective order is issued, the clerk of the court provides a copy to each party and the local law enforcement agency in which the person resides.

As proposed by this bill, the clerk of the court would also be required to perform two additional tasks:

- The clerk would be required to send a copy of the protective order to the employer if a workplace violence restraining order has been issued; and
- It would require that a return of service notification be transmitted to the local law enforcement agency in each jurisdiction where the affected persons are located.

This first provision would require the clerk to send a notification to the employer in case a workplace violence restraining order has been issued. This could increase the number of mailings that the clerk would need to send out. The clerk of the court pays for postage.

The second provision would specify that any notification mailed to parties involved in a workplace violence restraining order, a protective order, or a no contact order be sent by certified mail with a return receipt requested. Most counties presumably already send out these notices by certified mail, but if they do not, this bill will require this type of mailing. The costs of a one ounce certified mail with a return receipt requested is \$4.42 as opposed to 39 cents for a first class mailing.

The second provision would also require the clerk to send this return of service information to each local law enforcement agency that is affected by the order. This is so that the local law enforcement agency will have evidence that all parties to the order are aware of the order’s contents. If counties are sending out notices by certified mail with a return receipt requested, then this provision would likely have little added cost to the counties. However, if counties are currently sending out notices by first class mail, then this provision will increase the costs of mailings for the clerks in these counties.

Provision F would allow the court to order a protection order without a formal hearing.

Provision H could increase the local government's jail population if more persons are arrested for interfering with the reporting of a crime or interfering with or preventing the reporting of a crime involving domestic or family violence.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Local law enforcement agencies

Information Sources: Jeff Bercovitz, Indiana Judicial Center, Ruth Reichard, Senior Judge, Marion County Courts, Tom Jones, Office of State Court Administration.

Fiscal Analyst: Mark Goodpaster, 317-232-9852