

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6461**

**BILL NUMBER: HB 1044**

**NOTE PREPARED: Feb 20, 2004**

**BILL AMENDED: Feb 19, 2004**

**SUBJECT:** Trafficking Tobacco Products with an Inmate.

**FIRST AUTHOR:** Rep. Smith V

**FIRST SPONSOR:** Sen. Long

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill imposes a mandatory \$5,000 fine for trafficking with an inmate by an employee of the Department of Correction or a penal facility and the trafficked item is a tobacco product. (The introduced version of this bill was prepared by the Interim Study Committee on Juvenile Law and Corrections Issues.)

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** Under current law delivering or receiving an article from an inmate or child of a facility is a Class A misdemeanor or a Class C felony if the article is a controlled substance or a deadly weapon. The bill would add a Class A misdemeanor if the person trafficking is an employee of the Department of Correction (DOC) or a penal facility.

**Explanation of State Revenues:** (Revised) 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. The court would be required to impose this maximum fine if the person committed the offense works for either the Department of Correction or a facility of the Department of Correction. 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:** Department of Correction.

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

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.