

**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 6076

BILL NUMBER: SB 122

NOTE PREPARED: Jan 23, 2004

BILL AMENDED: Jan 22, 2004

SUBJECT: Statute of Limitations for Sex Crimes.

FIRST AUTHOR: Sen. Zakas

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It extends, from 5 years to 20 years after the commission of the offense, the period within which a prosecution for rape or criminal deviant conduct as a Class B felony must be commenced.
- B. It applies only to crimes committed after June 30, 1999.
- C. It removes obsolete references to the child molesting statute.

Effective Date: July 1, 2004.

Explanation of State Expenditures: *Provision A* -- If convictions occur due to these new prosecutions, more offenders may be incarcerated. The average expenditure to house an adult offender was \$26,825 in FY 2002.

If biological evidence of a crime is available, the Indiana State Police Crime Laboratory would analyze the samples for the law enforcement agency or the prosecuting attorney. Forensic scientists on the State Police Lab would also testify in court concerning the validity of the DNA analyses that they perform.

Provision B applies the 20-year statute of limitation to Class B felony sex crimes committed after June 30, 1999. Without this provision, the five-year statute of limitation would still apply to crimes that were committed between July 1, 1999, and June 30, 2004. Consequently, this provision will allow more persons to be prosecuted for crimes that occurred during this period of time.

Explanation of State Revenues:

Explanation of Local Expenditures: The costs associated with this bill will depend on how often evidence concerning unsolved rape cases becomes available and also how often prosecuting attorneys decide to

prosecute rape and criminal deviate conduct cases that are over five years old. The criminal defendant may also wish to have evidence preserved from a crime scene analyzed by a private laboratory. The costs of this analysis would either be paid by the defendant, or by the county if the defendant is indigent.

The costs of prosecuting a criminal case and conducting a criminal trial are paid from county general funds. If a criminal defendant is indigent, the county pays for the costs of criminal defense either by assigning the case to a public defender or to a private counsel.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police.

Local Agencies Affected: Trial Courts, Prosecuting Attorneys.

Information Sources:

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