

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6544
BILL NUMBER: SB 371

NOTE PREPARED: Dec 5, 2003
BILL AMENDED:

SUBJECT: Statute of Limitations.

FIRST AUTHOR: Sen. Simpson
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It provides that a civil action alleging childhood sexual abuse may be brought at any time.
- B. It revives an action concerning childhood sexual abuse that is time barred and permits the action to be brought before January 1, 2007.

Effective Date: July 1, 2004.

Explanation of State Expenditures:

Explanation of State Revenues: *Court Fee Revenue:* If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed. 70% of the filing fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures: Under current law, if a person over the age of 18 is the victim of a sex crime, that person must file a lawsuit to recover damages within two years of the date of the occurrence. If the person is under the age of 18 when the sexual abuse occurred, the two-year limitation does not begin until the person reaches the age of 18. Consequently, the person has until the age of 20 to file a civil lawsuit if the person was the victim of sexual abuse and was younger than 18 years of age.

This bill addresses the issues of two groups: those who have been victims of childhood sexual abuse before July 1, 2004, and those who will be victims at some point after July 1, 2004.

For those persons who were victims of child sexual abuse before July 1, 2004, and are already older than 20 years of age, this bill would allow these persons to file a civil lawsuit until January 1, 2007.

For those in future years, this bill eliminates the two-year time constraint.

The added costs for the courts will depend on the number of cases filed and whether the defendant will request a jury trial. A portion of this cost will be recovered by any fees collected when the plaintiff files the lawsuit.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing 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.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

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