

**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 6457

BILL NUMBER: HB 1055

NOTE PREPARED: Feb 28, 2005

BILL AMENDED: Feb 24, 2005

SUBJECT: Pretrial Services Fee.

FIRST AUTHOR: Rep. Ayres

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill requires a person charged with a felony and placed on bail and supervised by a probation officer to pay a pretrial services fee to defray the cost of supervision by the probation department if the person has the financial ability to pay the fee. It allows a court to require a person charged with a misdemeanor to pay the fee if the person has the financial ability to pay the fee. The bill also prohibits the Bureau of Motor Vehicles from issuing or reinstating the license of a person who has not paid the person's fee. It makes other changes relating to the collection and distribution of the fee.

Effective Date: July 1, 2005.

Explanation of State Expenditures: If pretrial services fees are imposed as proposed under the bill and the defendant does not pay the fees imposed, the court may ask the Bureau of Motor Vehicles to suspend, revoke, or not issue a defendant's license. Costs for the Bureau of Motor Vehicles could increase to the extent that defendants do not pay pretrial services fees and information needs to be tracked. However, there are no data available to indicate how many defendants may not pay imposed fees.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues: (Revised) The bill would increase the amount of revenue received and available for adult probation services. However, the amount that would be collected cannot be estimated. There are no data available to indicate how many people are placed on pretrial supervision each year and the amount

collected would be based on the decisions of the court.

Under the bill, several fees would be imposed by the court when the probation department provides pretrial supervision if the defendant has the financial ability to pay as follows.

	Initial Pretrial Services Fee		Monthly Pretrial Services Fee		Administrative Fee
	Minimum	Maximum	Minimum	Maximum	
Felony	\$25	\$100	\$15	\$30	\$100
Misdemeanor		\$50	\$10	\$20	\$50

Under the bill, revenues from the fees would transfer to the county treasurer for deposit in a County Supplemental Adult Probation Services Fund. The Fund may be used to supplement adult probation services or to supplement salaries of probation officers. Funds in county supplemental adult probation services funds do not revert to any other fund.

Up to 3% of the fee may be retained by the court clerk and deposited in the Clerk's Record Perpetuation Fund to defray administrative costs. Depending on the court of filing, not more than 3% of the fee would be transferred, on request of the treasurer, to a city, town, or county general fund.

Background: County trial courts reported spending \$52.4 M on adult probation services in 2003, while city and town courts reported spending \$1.6 M. In 2003, \$12.8 M was collected in adult probation supervision fees.

State Agencies Affected: Bureau of Motor Vehicles.

Local Agencies Affected: Trial Courts; City, Town and County Treasurers.

Information Sources: Indiana Supreme Court, Division of State Court Administration. Website: <http://www.in.gov/judiciary/admin/reports/>.

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