

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6901

BILL NUMBER: HB 1074

NOTE PREPARED: Dec 18, 2004

BILL AMENDED:

SUBJECT: Sex and Violent Offenders.

FIRST AUTHOR: Rep. Ayres

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill prohibits a sex and violent offender from residing within 1,000 feet of school property while the offender is on probation or parole. The bill prohibits a sex and violent offender who is required to register for life with the Sex Offender Registry from residing within 1,000 feet of school property.

Effective Date: July 1, 2005.

Explanation of State Expenditures: This bill prohibits a person who is required to register for life as a sexually violent predator from residing within 1,000 feet of school property. The bill should have minimal fiscal impact.

Currently, sex offenders who are on parole are prohibited from residing within 1,000 feet of school property. Counties vary as to the ways that this is monitored. Marion County has created a global positioning system (GPS) which monitors sex offender residences in relation to school properties. Other counties send persons to check offender residence locations.

There are approximately 7,100 individuals listed on the Sex Offender Registry; very few of these individuals are classified as sexually violent predators. The Indiana Criminal Justice Institute (ICJI) reports that there are currently 41 sexually violent predators listed on the registry. Furthermore, during FY 2004, four sexually violent predators were added to the registry. Thus, the number of persons falling under the requirements of this bill is small. This bill should have minimal impact on law enforcement agencies. Ultimately, any increase in expenditures is dependent on the number of persons in each law enforcement district that are required to register for life.

Penalty Provision: This bill makes it a Class D felony for a sexually violent predator that is required to register as a sex offender for life to reside within 1,000 feet of school property. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction.

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

Information Sources: Brent Myers, Criminal Justice Institute, 232-1300; Mike Eslinger, Indiana Sheriffs' Association, 356-3633.

Fiscal Analyst: Sarah Brooks, 317-232-9559.