

**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 6059

BILL NUMBER: HB 1208

NOTE PREPARED: Oct 22, 2004

BILL AMENDED:

SUBJECT: Ban on Assault Weapons.

FIRST AUTHOR: Rep. Smith V

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that the manufacture, importation, sale, or possession of a machine gun, an automatic weapon, or a convertible semiautomatic weapon is a Class C felony. It creates enhanced criminal penalties for a person who commits certain drug offenses while in possession of an automatic or a convertible semiautomatic weapon, and specifies that, if the person receives a jury trial for the underlying offense, the jury will determine whether the person committed the offense while using a prohibited firearm.

Effective Date: July 1, 2005.

Explanation of State Expenditures: Under current law, a person who owns or possesses a machine gun commits a Class C felony. Under the bill, an automatic weapon or a convertible semiautomatic weapon would be included in the definition. Also, the definition of the crime would be enhanced to include manufacture, importation, selling, purchasing, or transferring possession of a prohibited weapon or ammunition. In addition, the bill would add to the enhanced criminal penalties for certain drug offenses, the possession of an automatic or a convertible semiautomatic weapon.

A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If 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. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: 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 C felony is \$10,000. 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: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day 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. (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: Karen Firestone, 317-234-2106.