

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7463

BILL NUMBER: HB 1708

NOTE PREPARED: Jan 25, 2005

BILL AMENDED:

SUBJECT: Recording Custodial Interrogations.

FIRST AUTHOR: Rep. Day

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires state and local law enforcement agencies to electronically record custodial interrogations of suspects during murder investigations and other felony investigations conducted after June 30, 2006. It requires the agencies to retain copies of custodial interrogations for certain periods. The bill makes a violation of the custodial interrogation law: (1) a Class C infraction for a person's first violation of the law; and (2) a Class B infraction for a person's second or subsequent violation of the law.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues: There are no data available to indicate how many offenders may be convicted of violating proposed requirements concerning electronic recording of interrogations of suspects in custody for murder or certain other felonies, or for failing to retain copies of the recordings as specified in the bill. The penalty for violation of the section is a Class C infraction for a first offense or a Class B infraction for a subsequent offense. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500 and for a Class B infraction is \$1,000. Judgments are deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which 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:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 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. 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. (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:

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

Information Sources:

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