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**FISCAL IMPACT STATEMENT**

**LS 7271**

**BILL NUMBER: HB 1842**

**NOTE PREPARED: Jan 6, 2005**

**BILL AMENDED:**

**SUBJECT:** Driver's Licenses and Documentation.

**FIRST AUTHOR:** Rep. Noe

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill requires the Bureau of Motor Vehicles (BMV) to require an applicant for a driver's license, a permit, or an identification card to present documentary evidence of citizenship or alien status, and to submit a statement to the BMV if federal law prohibits the issuance of a Social Security number to the applicant. It requires the BMV to adopt rules concerning applications for driver's licenses and permits. The bill provides that if a noncitizen is issued a driver's license, a permit, or an identification card, the document expires on the date that the holder's authorization to remain in the United States expires. It makes it a Class D felony to commit fraud against the BMV, a Class D felony to possess a false document issued by the BMV, and a Class C felony to assist in a fraud against the BMV.

**Effective Date:** Upon passage; July 1, 2005.

**Explanation of State Expenditures:** This bill will add additional time for license branch staff to issue a driver's license, a permit, or an identification card. The specific impact is indeterminable. The funds affected are the Motor Vehicle Highway Account, which supports the BMV, and the State License Branch Fund, which supports the 170 license branches throughout the state. The adoption of rules by the BMV will have no fiscal impact.

**Penalty Provisions:** The bill provides for a Class C felony for assisting in a fraud against the BMV and a Class D felony for possessing a false document from or committing fraud against the BMV.

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 estimated average cost of housing a juvenile in a state juvenile facility was \$59,574, with the costs ranging from a low of \$52,420 to a high of \$77,674. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

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. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** *Penalty Provisions:* 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:** *Penalty Provisions:* 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:** *Penalty Provisions:* 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; Bureau of Motor Vehicles.

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

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

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