

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6518

BILL NUMBER: SB 233

NOTE PREPARED: Apr 4, 2005

BILL AMENDED: Mar 31, 2005

SUBJECT: Child Solicitation; Intimidation; Panhandling.

FIRST AUTHOR: Sen. Drozda

FIRST SPONSOR: Rep. Ulmer

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that a person at least 21 years of age commits the crime of soliciting a child if the person solicits a child at least 14 but less than 16 years of age. (The bill does not change current law that a person at least 18 years of age commits the crime of soliciting a child if the person solicits a child under 14 years of age).

The bill also makes intimidation a Class D felony instead of a Class A misdemeanor if the person to whom the threat is communicated is an employee of a court or probation department.

The bill also makes it a Class C misdemeanor for a person to panhandle at certain times, in certain locations, or while engaging in certain activities.

Effective Date: July 1, 2005.

Explanation of State Expenditures: (Revised) *Intimidation:* The bill makes it a Class D felony if a person threatens an employee of the court or an employee of a probation department.

Child Solicitation: Child solicitation is a Class D felony, or a Class C felony if it is committed by using a computer network. Between FY 1999 and 2003, there were seven offenders a year on average committed to Department of Correction (DOC) facilities for Class D child solicitation. (No information is available for the Class C felony offense.) There are no data available to indicate how many more offenders over the age of 21 may be convicted of the offense if the age of the victim is increased from 14 to 16 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 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 DOC facilities for all Class D felony offenders is approximately ten months and 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.

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.

(Revised) *Child Solicitation/Intimidation*: The maximum fine for a Class D or a Class C felony is \$10,000. Criminal fines are deposited in the Common School Fund.

(Revised) *Panhandling*: The bill makes it a Class C misdemeanor for a person to panhandle at certain times, in certain locations, or while engaging in certain activities. The maximum fine for a Class C misdemeanor is \$500. Criminal fines are deposited in the Common School 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.

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