

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6573
BILL NUMBER: HB 1164

NOTE PREPARED: Dec 22, 2005
BILL AMENDED:

SUBJECT: Expunging Certain Felony Conviction Records.

FIRST AUTHOR: Rep. Summers
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill allows a sentencing court to expunge the records of certain felony convictions committed before a person was 25 years of age if 20 years have passed since: (1) the completion of the person's sentence; and (2) the satisfaction of any other obligations imposed on the person as a part of the sentence.

Effective Date: July 1, 2006.

Explanation of State Expenditures: The Indiana State Police maintain the criminal history data base. Any additional staff and computer time would likely be able to be covered within the existing level of resources.

Of the Department of Correction offender population of 22,813 on November 21, 2005, 6,687 (or 29.3%) were 25 or under at the time of sentencing for an offense other than a sex crime under IC 35-42-4.

The following table shows the distribution of ages at time of sentencing.

Age at Sentencing of Eligible Offenders in DOC Facilities on November 21, 2005													
Age at Sentence	14	15	16	17	18	19	20	21	22	23	24	25	Total
Number of Offenders	1	10	30	137	300	648	824	976	969	992	913	887	6,687

Explanation of State Revenues: *Court Fee Revenue:* If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record.

Explanation of Local Expenditures: Costs incurred by courts would increase as additional hearings occur. The cost incurred would vary by county and would depend on the number of people who sought an expungement. Also, court employees would have to send criminal history to the court for sealing, resulting in additional staff and computer time.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing 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.

State Agencies Affected: Indiana State Police, Clerk of the Supreme Court.

Local Agencies Affected: Trial Courts.

Information Sources: Department of Correction offender population on November 21, 2005; Indiana State Police.

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