

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6026**

**BILL NUMBER: SB 2**

**NOTE PREPARED:** Oct 21, 2005

**BILL AMENDED:**

**SUBJECT:** Sex Offenders and Obscenity.

**FIRST AUTHOR:** Sen. Drozda

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

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

**IMPACT:** State & Local

**Summary of Legislation:** This bill permits a sheriff or the Indianapolis police chief to visit the listed residence of a sex offender to determine if the sex offender resides at the residence. The bill prohibits a sex offender who is required to register for life with the sex offender registry after June 30, 2006, from residing within 1,000 feet of school property or from establishing a new residence within one mile of the residence of the victim. It makes it a Class D felony to rent matter that is harmful to a minor within 500 feet of a school or church.

**Effective Date:** July 1, 2006.

**Explanation of State Expenditures:** *Summary* - This bill prohibits a person who is required to register for life as a sexually violent predator from residing within 1,000 feet of school property, or establishing a new residence within one mile of the residence of the victim of the person's sex offense. The bill would apply to sexually violent predators required to register after June 30, 2006. Five sexually violent predators were added to the Sex and Violent Offender Directory in FY 2005. The bill should have minimal fiscal impact.

*Background Information* - Currently, sex offenders who are on probation or parole are prohibited from residing within the aforementioned areas. Counties vary as to the ways that this is monitored. Marion County has created a global positioning system (GPS) which monitors sex offender residences in relation to school properties. Other counties send persons to check offender residence locations. The Department of Correction (DOC) contracts with the Sex Offender Management and Monitoring (SOMM) program to monitor sex offenders on parole.

There are approximately 14,537 individuals listed on the Sex and Violent Offender Directory. However, very

few of these individuals are classified as sexually violent predators. The Indiana Criminal Justice Institute (ICJI) reports that there are currently 43 sexually violent predators listed on the Directory. Furthermore, during FY 2005, five sexually violent predators were added. Thus, the number of persons falling under the requirements of this bill is small. This bill should have minimal impact on law enforcement agencies. Ultimately, any increase in expenditures is dependent on the number of persons in each law enforcement district that are required to register for life.

*Penalty Provision:* The bill makes it a Class D felony for a sexually violent predator that is required to register as a sex offender for life to reside within 1,000 feet of school property or establish a new residence within one mile of the residence of their victim. The offense is a Class C felony if the offender has a prior unrelated offense.

The bill also makes it a Class D felony to knowingly or intentionally rent to any person matter that is harmful to minors within 500 feet of the nearest property line of a school or church.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, a Class C felony is punishable by a prison term ranging from two to eight years, depending upon mitigating and aggravating circumstances. Assuming 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. However, any additional expenditures are likely to be small. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months, and it is two years for a Class C felony.

**Explanation of State Revenues:** *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class C or D felony is \$10,000. However, any additional revenues are likely be small.

**Explanation of Local Expenditures:** *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures are likely be small.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

**State Agencies Affected:** Department of Correction.

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

**Information Sources:** Mike Eslinger, Indiana Sheriff's Association, 356-3633; Brent Myers, Department of Correction, 233-8648.

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