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FISCAL IMPACT STATEMENT

LS 6630
BILL NUMBER: SB 191

NOTE PREPARED: Jan 20, 2006
BILL AMENDED: Jan 19, 2006

SUBJECT: Photos in Criminal History Files.

FIRST AUTHOR: Sen. Wyss
FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that a sheriff, police department, or criminal justice agency required to report an arrest to the state central repository for criminal history data shall transmit a photograph of the person who is the subject of the report at the time the arrest is reported. The bill allows the State Police Department to adopt guidelines concerning the method of transmitting photographs, and requires a person submitting the photograph to follow the Department's guidelines. It includes a photograph as part of the information that may be obtained in a limited criminal history.

Effective Date: July 1, 2006.

Explanation of State Expenditures: (Revised) *Local Law Enforcement Agencies:* Under current law, sheriffs, police departments, and criminal justice agencies are required to report to the Indiana State Police (ISP) all arrests for reportable offenses. This bill would require a photograph be transmitted with the report. However, the ISP would not be required to process, and a sheriff, police department, or criminal justice agency, would not be required to submit, a photograph unless the ISP has sufficient funding available to process photographs that are submitted.

The ISP reports that methods for forwarding arrest report data vary by agency. Some use regular mail, while others forward information electronically (approximately 90% of all arrests made are forwarded electronically). The ISP reports that all local law enforcement agencies use digital cameras when photographing. Agencies submitting arrest reports electronically would attach a copy of the photograph taken to the electronic file which is forwarded. Those agencies would not experience an increase in expenditures under the provisions of this bill. Agencies forwarding information through the mail would experience minimal increases in expenditures and

would be responsible for printing a copy of the picture to forward with the hard copy arrest record.

The ISP reports that government entities falling under the definition of "criminal justice agency" (see *Background Information*) rarely report data to the ISP. Whether or not those agencies have the ability to take photographs or forward them electronically is unknown. Those agencies could experience an increase in expenditures under the provisions of this bill; however, actual increases are unknown.

Indiana State Police: The ISP reports that it currently has an agreement with the National Crime Information Center (NCIC) to forward all criminal history data stored by the ISP that the NCIC is able to support electronically. In addition, the ISP reports that all information stored in a hard copy criminal history data file is keyed into the ISP database, the Criminal History Record Information System (CHRIS). Thus, all photographs forwarded to the ISP would be kept in hard copy and electronically. Under the provisions of this bill, the CHRIS would necessitate a program upgrade which would enable it to store photographs and transmit photographs to the NCIC. The ISP estimates that the total cost to do this is \$275,000. This includes file programming and establishing linkages with the state automated fingerprint system (AFIS) and NCIC, and program consulting costs.

The bill requires the ISP to include a photograph of a person who is the subject of a limited criminal history check if a photograph is available. Limited criminal history checks can be accessed in one of two ways, through the ISP website or through the mail. The majority of limited criminal history checks, 68% (291,777), are obtained through the Internet; the remaining 32% (140,464) are obtained through the mail. Costs for including a photograph through the ISP website are included in the \$275,000 estimate described above. The ISP would likely need to purchase additional equipment, for example, printers, to comply with the provisions of the bill. Expenditures for the ISP would likely increase minimally as a result.

Adoption of Guidelines: The bill allows the ISP to adopt guidelines concerning the form and manner of transmission of a photograph. ISP should be able to implement this provision of the bill within the existing level of resources available to the agency.

Background Information: Under IC 10-13-3-6, a criminal justice agency means any agency or department of any level of government whose principal function is: (1) the apprehension, prosecution, adjudication, incarceration, probation, rehabilitation, or representation of criminal offenders; (2) the location of parents with child support obligations; (3) the licensing and regulating of riverboat gambling operations; or (4) the licensing and regulating of pari-mutuel horse racing operations. The term includes the office of the Attorney General and the Medicaid Fraud Control Unit.

Explanation of State Revenues:

Explanation of Local Expenditures: See *Explanation of State Expenditures*.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police.

Local Agencies Affected: Local law enforcement agencies.

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