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FISCAL IMPACT STATEMENT

LS 6239

BILL NUMBER: SB 207

NOTE PREPARED: Nov 15, 2005

BILL AMENDED:

SUBJECT: Collection of Court Costs and Fines.

FIRST AUTHOR: Sen. Dillon

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill allows a court to suspend payment of court costs and court-imposed fines until a convicted person has completed all or part of the person's sentence. It grants a court continuing jurisdiction over the convicted person until the costs and fines are completely paid. The bill also allows a court to use contempt proceedings to enforce its order for payment. It makes conforming amendments.

Effective Date: July 1, 2006.

Explanation of State Expenditures:

Explanation of State Revenues: To the extent that allowing an offender to pay fines and court costs after completion of a sentence increases collections, revenues for state government would increase. However, there are no data available to indicate the amount of unpaid fines and court costs or the amount that would be collected as a result of this change.

In criminal court cases, court costs and fines are divided among various state funds in the following manner:

- (1) Fine revenues are deposited in the Common School Fund.
- (2) If a case is filed in a circuit, superior, or county court, 70% of the fees are deposited in the state General Fund.
- (3) If a case is filed in a city or town court, 55% of the fees are deposited in the state General Fund.

Background Information: In 2004, court costs from circuit, superior, county, and probate courts deposited to the state General Fund were \$42.7 M and fines and forfeitures deposited to special funds were \$4.3 M. Court

costs from city and town courts deposited in the state General Fund totaled \$7.3 M, and special funds received \$1.2 M from fines for cases filed in city and town courts.

Explanation of Local Expenditures: Under the bill, an offender failing to pay court costs and fines would be subject to contempt proceedings. The court may issue a writ or citation for a sheriff to take an offender into custody or appear before the court. There are no data available to indicate how many offenders may fail to pay court costs and fines, and subsequently be cited for contempt of court. If offenders are incarcerated in county jails for contempt of court, the cost to incarcerate the offenders would increase. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: The court fees and fines are divided among various local funds in the following manner:

- (1) The county general fund receives 27% of the court fee that is assessed in a court of record.
- (2) 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.
- (3) A \$3 fee would be assessed and, if collected, deposited into the county law enforcement continuing education fund.
- (4) A \$2 jury fee would be assessed and, if collected, deposited into the county user fee fund to supplement the compensation of jury members.

Background Information: In 2004, court costs from circuit, superior, county, and probate courts deposited to county or local general funds were \$17.9 M and from city and town courts were \$5.9 M.

State Agencies Affected: Department of Correction.

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

Information Sources: Indiana Supreme Court, Division of State Court Administration, <http://www.in.gov/judiciary/admin/courtmgmt/2004stats.html>.

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