

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6999

BILL NUMBER: HB 1586

NOTE PREPARED: Jan 7, 2007

BILL AMENDED:

SUBJECT: Statute of Limitations.

FIRST AUTHOR: Rep. Hoy

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill eliminates the statute of limitations for civil and criminal actions involving sex crimes against children.

Effective Date: July 1, 2007.

Explanation of State Expenditures: If convictions occur due to these new prosecutions, more offenders may be incarcerated. The average expenditure to house an adult offender was \$22,743 in FY 2006.

If biological evidence of a crime is available, the Indiana State Police Crime Laboratory would analyze the samples for the law enforcement agency or the prosecuting attorney. Forensic scientists at the State Police Lab would also testify in court concerning the validity of the DNA analyses that they perform.

Since this bill applies to causes of action that occur after June 30, 2007, the earliest that this bill could affect the criminal justice system would be in 2021 if a victim of a sex crime was 17 years of age in July 2007.

Explanation of State Revenues: If a civil action is filed because there would no longer be a statute of limitation for these types of injuries, then the plaintiff would pay a civil filing fee. 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 or 55% if the case is filed in a city or town court. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: The costs associated with this bill will depend on how often evidence

concerning unsolved sex crimes where the victim is younger than 18 becomes available and also how often prosecuting attorneys decide to prosecute these cases at some future point. The criminal defendant may also wish to have evidence preserved from a crime scene analyzed by a private laboratory. The costs of this analysis would either be paid by the defendant, or by the county if the defendant is indigent.

The costs of prosecuting a criminal case and conducting a criminal trial are paid from county general funds. If a criminal defendant is indigent, the county pays for the costs of criminal defense either by assigning the case to a public defender or to a private counsel.

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. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected: Indiana State Police.

Local Agencies Affected: Trial courts, prosecuting attorneys.

Information Sources:

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