

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6117
BILL NUMBER: HB 1132

NOTE PREPARED: Apr 14, 2009
BILL AMENDED: Apr 13, 2009

SUBJECT: Department of Correction and Police Powers.

FIRST AUTHOR: Rep. Lawson L
FIRST SPONSOR: Sen. Wyss

BILL STATUS: As Passed Senate

FUNDS AFFECTED: GENERAL
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. Correctional Police Officers – It authorizes the Commissioner of the Department of Correction (DOC) to appoint certain individuals as correctional police officers. It requires a correctional police officer to complete a pre-basic training course approved by the Indiana Law Enforcement Training Board (ILEA) and any other training course established by the DOC in conjunction with the Law Enforcement Training Board. It grants correctional police officers police powers, but only: (1) in connection with offenses committed on the property of the DOC; (2) in connection with an offense involving an offender who is committed to the Department; (3) in connection with an offense committed in the presence of an officer; or (4) while assisting another law enforcement officer who has requested the assistance of the correctional police officer.
- B. Correctional Peace Officer's Fund – It establishes the Correctional Peace Officer's Fund to provide monetary assistance, including tuition assistance, to a correctional employee or to a member of the family of a correctional employee. It specifies that the fund consists of: (1) grants; (2) donations; (3) employee contributions; and (4) appropriations made to the fund, and that monetary assistance may be paid from the fund to a correctional employee or to a member of the family of a correctional employee if the employee or employee's family member attends a postsecondary educational institution, the employee suffers a loss as the result of a natural disaster, or the employee is killed or injured in the line of duty.
- C. Police Powers of University and College Police – It provides that university and college police may exercise their police powers in any part of Indiana if the educational institution employing the officer has not restricted or limited the exercise of the officer's official powers, and the powers are exercised: (1) in connection with an offense committed on property owned or occupied by the

educational institution; or (2) while assisting another law enforcement officer who has requested the officer's assistance.

(The introduced version of this bill was prepared for the Sentencing Policy Study Committee.)

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Correctional Police Officers* -- This provision should have a minimal cost impact to the Department of Correction and to the Indiana Law Enforcement Academy (ILEA). DOC plans at some point to have two correctional officers at each facility with these added powers.

Police Powers of University and College Police – If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Background– ILEA provides a 40-hour pre-service training program taught on-line and a course on Miranda rights that runs for one to two weeks. ILEA is currently developing DOC's curriculum to apply to the situations associated with policing powers in a correctional setting. ILEA instructors could provide the training at the Correctional Training Institute in New Castle or deliver it through a simulcast to selected correctional officers in the field. DOC anticipates officers arranging this training around their work schedule to minimize overtime. DOC anticipates that this course would occur once a year at most.

Explanation of State Revenues: *Correctional Peace Officer's Fund* – This is a new dedicated fund that would assist correctional employees and their families if an employee is killed in the line of duty, if the employee suffers a loss as the result of a natural disaster, or if the correctional employee or a family member attend a postsecondary educational institution. The source of revenue for this fund includes grants, donations, employee contributions, and appropriations. While money is continually appropriated to carry out the purpose of this fund, this bill does not appropriate a specific amount. The State Treasurer would invest the money deposited in the fund.

Explanation of Local Expenditures: *Police Powers of University and College Police* – If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: *Police Powers of University and College Police* – If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs 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 the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: DOC; ILEA, State Treasurer

Local Agencies Affected:

Information Sources: Tim Brown, DOC; Rusty Goodpaster, ILEA.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.