

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

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FISCAL IMPACT STATEMENT

LS 6992
BILL NUMBER: SB 250

NOTE PREPARED: Jan 1, 2009
BILL AMENDED:

SUBJECT: Bail.

FIRST AUTHOR: Sen. Wyss
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: This bill has the following provisions:

- A. *Clarification*– It specifies that fees collected from a defendant admitted to bail that are deposited in the Special Death Benefit Fund are in addition to and not considered part of the defendant's bail.
- B. *Bond Fee Increase*– It increases the fees from \$5 to \$10.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues: *Clarification*– According to staff in the Division of State Court Administration, some courts and clerks are uncertain about whether the \$5.00 bail bond fee is separate from any bail that the person is required to pay. This language clarifies that this is a fee that is separate from any other bail expenses that a person pays to secure pretrial release.

Bond Fee Increase– The current \$5.00 bond fee produced \$506,907 in FY 2008. Doubling the fee to \$10 will increase revenues by an estimated \$500,000.

Background– The Special Death Benefit Fund was established to pay a lump sum death benefit of \$150,000 to the surviving spouse or children of a public safety officer who dies in the line of duty. The parents of the officer receive the payment if the officer has no surviving spouse or children. The fund consists of:

- bail bond fees remitted under IC 35-33-8-3.2 when a person secures pretrial release after an arrest,
- purchased coverage payments of \$100 under IC 5-10-10-4.5, and

- investment earnings of the fund.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Public Employees Retirement Fund.

Local Agencies Affected: Clerk of the circuit court and other court staff

Information Sources: Mary Deprez, Division of State Court Administration; Auditor of State's data base, Account Number 6840/110000.

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