

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

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**FISCAL IMPACT STATEMENT**

**LS 7021**

**BILL NUMBER:** HB 1168

**NOTE PREPARED:** Jan 3, 2011

**BILL AMENDED:**

**SUBJECT:** Passenger Restraint Systems for Children.

**FIRST AUTHOR:** Rep. Kersey

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill makes it a Class D felony for a person to operate a motor vehicle in which there is a child less than eight years of age who is not properly restrained if the motor vehicle is involved in an accident that causes serious bodily injury to the child. It raises the offense to a Class C felony if the accident results in the death of the child. It also makes conforming amendments.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** On average between 2005 and 2009, there were 4,830 people a year found guilty of child restraint violations. However, there are no data available to indicate how many of those violations resulted in serious bodily injury to the child or resulted in the child's death. The bill could result in additional state expenditures for incarceration and additional revenue to the Common School Fund.

State expenditures could increase if an offender is incarcerated in a state prison rather than paying a fine. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor, and a Class C felony is two to eight years. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$19,307 in FY 2010. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost per offender for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$68,260 in FY 2010. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months and for all Class C felony offenders is two years.

**Explanation of State Revenues:** Revenue to the Common School Fund could be collected if a criminal fine

is assessed by the sentencing court. The judgement for a Class D infraction is \$25, which is deposited in the state General Fund. The maximum fine for a Class D felony is \$10,000.

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. If court actions are filed and a judgment is entered for a Class D infraction, the court fee is \$70.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** Court fees for felonies are \$120 and for infractions they are \$70. 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:** Department of Correction.

**Local Agencies Affected:** Trial courts; local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

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