

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7237

BILL NUMBER: HB 1456

NOTE PREPARED: Jan 10, 2011

BILL AMENDED:

SUBJECT: Public Defender Fees for Probation Violations.

FIRST AUTHOR: Rep. Neese

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill provides that if a person is represented by a public defender in a probation violation hearing and the court determines the person is able to pay for part of the costs of the representation, the court shall order the person to pay \$100. It also provides that a court may make a finding of ability to pay the costs of representation for a probation violation hearing.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues: Any added revenue will depend on the number of offenders on probation who are able to pay the fee. The *Indiana Probation Report* has a five-year history of the number of offenders whose probation was revoked because of a technical violation between 2005 and 2009.

	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Felony Revocations	4,625	5,010	5,497	5,133	5,392
Misdemeanor Revocations	3,755	3,732	3,559	4,128	4,245
Total Revocations	8,380	8,742	9,056	9,261	9,637

If half of these offenders were able to pay the fee, counties could collect an additional \$480,000. Any added revenue would be deposited in the county's supplemental public defender services fund.

Background – Offenders are released on probation by the sentencing court with specific behavioral conditions such as not testing positive on a drug test or not drinking alcohol. Offenders who have their probations revoked by the courts may be sentenced either to prison or may have more intensive supervision by probation officers.

State Agencies Affected:

Local Agencies Affected: Trial courts.

Information Sources: *Indiana Probation Report, 2009.*

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