

**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 6916
BILL NUMBER: SB 467

NOTE PREPARED: Feb 7, 2011
BILL AMENDED: Feb 7, 2011

SUBJECT: Country of Origin of Caskets.

FIRST AUTHOR: Sen. Paul
FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill provides that a supplier of a casket or a person who sells or prepares for sale a casket and who removes, covers, alters, or makes unreadable a country of origin marking on the casket commits a deceptive act.

Effective Date: July 1, 2011.

Explanation of State Expenditures: (Revised) Under the existing deceptive act statutes, a buyer that has suffered actual damages of \$500 or more may bring suit in court against the casket supplier. Additionally, existing statutes would allow the Attorney General on behalf of the State to petition the court for recovery of any fines assessed by the court on a defendant casket supplier.

Explanation of State Revenues: (Revised) *Summary:* A casket buyer could bring an action against a supplier that removed, altered, covered, or otherwise made unreadable the country of origin marking of a casket; and sold it to the buyer. If the court were to find in favor of a plaintiff, the court could assess civil penalties on the defendant supplier.

Court Fee Revenue: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs 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 document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Civil Penalties: Under current law, depending on the course of action and circumstances, several different civil penalties could be applied to a violating casket supplier ranging from \$500 fine per violation to \$15,000 for violation of the terms of a court injunction. Unless otherwise specified in the Indiana Code, all civil penalties are deposited in the state General Fund.

Explanation of Local Expenditures:

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 civil 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 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: Attorney General.

Local Agencies Affected: Trial courts.

Information Sources:

Fiscal Analyst: Chris Baker, 317-232-9851.