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FISCAL IMPACT STATEMENT

LS 6369

BILL NUMBER: SB 180

NOTE PREPARED: Dec 12, 2011

BILL AMENDED:

SUBJECT: Firearms on School Property.

FIRST AUTHOR: Sen. Banks

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Reduction in Criminal Penalty*- The bill makes unlawful possession of a firearm: (1) in or on school property; (2) in or on property that is being used by a school for a school function; or (3) on a school bus; a Class A misdemeanor instead of a Class D felony.

Firearms on School Property- The bill provides that the law concerning unlawful possession of a firearm in or on school property or in or on property that is being used by a school for a school function does not apply to a person who may legally possess a firearm, is not a student enrolled in the school, and stores a firearm: (1) in a motor vehicle that is parked in or on school property or parked in or on property that is being used by the school for a school function; and (2) that is locked in the trunk of the motor vehicle, kept in the glove compartment of the locked motor vehicle, or stored out of plain sight in the locked motor vehicle.

Effective Date: July 1, 2012.

Explanation of State Expenditures: *Reduction in Criminal Penalty*- This bill potentially reduces the costs to the state if an offender is convicted of a misdemeanor rather than a felony. This is because offenders convicted of a misdemeanor who are given a prison term are generally incarcerated in county jails. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The average expenditure to house an adult offender was \$18,836 in FY 2011. (This does not include the cost of new construction.)

Firearms on School Property- With the current penalty for possession of a firearm on school property a Class D felony, there could be a slight reduction in the number of new criminal felony cases filed and persons convicted of a Class D felony. There is no known data to indicate potentially how many persons would store

a firearm as described under the bill in their vehicle while on school property.

Background Information- The following table illustrates Department of Correction (DOC) commitments in 2009 and 2010 for carrying a handgun without a license. Commitment to a DOC facility occurs from a felony conviction.

DOC Commitments for Carrying a Handgun Without a License		
	Number as a Primary Violation	Number as Secondary Violation
CY	Carrying w/o License	Carrying w/o License
2010	139	55
2009	170	29

The number of convicted persons committed to a DOC facility for possession of a firearm on school property is unknown. A search of DOC average daily membership statistics for 2010 found no persons committed to a DOC facility for carrying a firearm on school property (IC 35-47-9-2).

Explanation of State Revenues: *Reduction in Criminal Penalty-* Reduction of the penalty for unlawful possession of a firearm on school property from a Class D felony to a Class A misdemeanor could reduce the amount of money received by the state General Fund and Common School Fund from fines. The maximum fine for a Class D felony is \$10,000. For a Class A misdemeanor, the maximum fine is \$5,000. Criminal fines are deposited in the Common School Fund.

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 (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

Firearms on School Property- As stated above under *Explanation of State Expenditures*, if slightly fewer felony cases are filed and convictions secured, fewer penalty fines would be collected.

Explanation of Local Expenditures: *Reduction in Criminal Penalty-* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44. If more convicted persons are incarcerated in local instead of state facilities, county jails would see an increase in the number of inmates they process in a given year.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies, county jails.

Information Sources: Department of Correction, 2009/2010 offender commitment data.

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