

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7113

BILL NUMBER: HB 1369

NOTE PREPARED: Jan 13, 2013

BILL AMENDED:

SUBJECT: Indirect Contempt of Court.

FIRST AUTHOR: Rep. Neese

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill provides that in an indirect contempt of court case, the prosecuting attorney of the judicial district in which the court has jurisdiction represents the state. It provides that if the prosecuting attorney decides not to prosecute the indirect contempt of court case after reviewing the case, the court may appoint another person who is: (1) an attorney in good standing; and (2) admitted to practice law in Indiana; to prosecute the indirect contempt of court case.

Effective Date: July 1, 2013.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: It is assumed that if the prosecuting attorney does not prosecute the indirect contempt case, the attorney who is appointed would be paid under the special prosecutor statute (IC 33-39-1-6). The payment would be from the unappropriated funds of the appointing county and may not exceed an hourly rate based upon the regular salary of a full-time prosecuting attorney of the appointing circuit. The current salary of a prosecuting attorney is \$130,080, and an hourly salary based on a 40-hour work week is \$62.53.

Staff in the Indiana Supreme Court who manage the Odyssey Court Management System for 44 counties report that 4,169 cases had either a direct or indirect contempt notation on them in CY 2012. Most of these were for indirect contempt.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial Courts.

Information Sources: Indiana Supreme Court, Judicial Technology and Automation Project; IC 33-39-1-6.

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