

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7020
BILL NUMBER: HB 1571

NOTE PREPARED: Jan 10, 2013
BILL AMENDED:

SUBJECT: Automatic and Semiautomatic Weapons.

FIRST AUTHOR: Rep. Smith V
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill makes the manufacture, importation into Indiana, sale, purchase, possession, or transfer of an automatic weapon or a convertible semiautomatic weapon a Class C felony.

The bill makes the manufacture, importation into Indiana, sale, purchase, or transfer of a machine gun a Class C felony.

The bill provides that a person who commits dealing in cocaine, a narcotic drug, methamphetamine, or certain controlled substances while in possession of an automatic weapon or convertible semiautomatic weapon may be sentenced to an additional fixed term of imprisonment.

Effective Date: July 1, 2013.

Explanation of State Expenditures: It is unknown how many additional convictions might occur due to making the manufacture, importation, sale, purchase, possession, or transfer of an automatic weapon or a convertible semiautomatic weapon a Class C felony.

Allowing the court to sentence a person up to an additional 20 years for dealing in cocaine, a narcotic drug, methamphetamine, or certain controlled substances while in possession of an automatic weapon or convertible semiautomatic weapon could significantly increase the time the person was incarcerated in prison. It is unknown how much longer the person might have to serve.

A Class C felony is punishable by a prison term ranging from 2 to 8 years, depending upon mitigating and

aggravating circumstances. The average expenditure to house an adult offender was \$18,582 in FY 2012. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$78,318 in FY 2012. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

Allowing the court to sentence a person up to an additional 20 years could significantly increase the time the person was incarcerated in prison.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C felony is \$10,000. 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 automated record keeping fee (\$5), judicial salaries fee (\$20), 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.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: 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. Persons found guilty of a felony or misdemeanor are also required to pay the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

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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