

**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 6166

BILL NUMBER: SB 97

NOTE PREPARED: Nov 27, 2012

BILL AMENDED:

SUBJECT: Possession of Firearms on State Property.

FIRST AUTHOR: Sen. Banks

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- (1) Prohibits a state agency, including a state-supported college or university, from regulating the possession or transportation of firearms, ammunition, or firearm accessories: (a) on land that is; or (b) in buildings and other structures that are; owned or leased by the state.
- (2) Provides for certain exceptions.
- (3) Voids, as of July 1, 2013, any rules or policies enacted or undertaken by a state agency before, on, or after June 30, 2013, concerning possession or transportation of firearms, ammunition, or firearm accessories on land or in structures owned or leased by the state.
- (4) Allows a person to bring an action against a state agency if the person is adversely affected by a rule, a measure, an enactment, or a policy of the state agency that violates this law.

Effective Date: July 1, 2013.

Explanation of State Expenditures: A court could award a person actual and consequential damages for being “adversely affected” by a state agency’s firearms regulation. In cases where the court has judged in favor of the plaintiff, state agencies would have to pay monetary damages, which could increase state expenditures.

Prevailing plaintiffs would be entitled to receive court costs (including fees) and reasonable attorneys’ fees plus the greater of (1) actual damages or (2) liquidated damages equal to three times the plaintiff’s attorney’s fees.

The workload of the Office of the Attorney General could increase to the extent state agencies are named in

civil suits filed by adversely affected individuals. Actual increases in workload are indeterminable.

Additional Information: The Department of Natural Resources (DNR) currently operates a supervised hunting program on state property where the use of certain types of firearms is not allowed. This program, along with the regulation of use of firearms, is promulgated by rule, and therefore could be subject to the provisions of the bill.

Explanation of State Revenues: Persons “adversely affected” by a state agency rule, measure, enactment, and policy that violates the provisions of the bill could file an action in a court with jurisdiction.

Court Fee Revenue: The state could see a reduction in revenue if more actions are found in favor of plaintiffs where a state agency is the defendant and the plaintiff is awarded court costs. However, if judgment is entered in favor of the state, revenue from civil actions could increase. Any net impact on revenue from civil actions is indeterminable.

When 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 (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), 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.

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: All.

Local Agencies Affected:

Information Sources: Matt Light, Office of the Attorney General; Chris Smith, DNR.

Fiscal Analyst: Bill Brumbach, 232-9559.