

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6669**

**BILL NUMBER:** SB 226

**NOTE PREPARED:** Dec 27, 2012

**BILL AMENDED:**

**SUBJECT:** Suspension of Local Officeholders.

**FIRST AUTHOR:** Sen. Glick

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** *Suspension from Office*- The bill provides that a local elected officeholder may be suspended from office if the officeholder is charged with certain felonies or misdemeanors and a 2/3 majority of the legislative body finds that the offense with which the officeholder is charged is relevant to the officeholder's suitability for office, and it is in the best interests of the governmental unit that the officeholder be suspended from office.

*Not Eligible to Vote*- The bill specifies that a member of the legislative body who is charged with an offense is not eligible to vote on the member's suitability for office, and provides that certain relatives of the member are likewise ineligible to vote.

*Reinstatement With Back Pay*- The bill specifies that the local elected officeholder will be reinstated with back pay if the officeholder is acquitted or charges are dropped.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** The bill would give a person that has been suspended from office the opportunity to appeal the decision by judicial review.

If additional judicial reviews 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 judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment Fee (\$1) are deposited into the state General Fund. Revenue from the pro bono services fee (\$1) is transferred by the State Auditor to the Indiana Bar Foundation for use to assist with pro bono legal services programs in Indiana. And proceeds from the automated record keeping fee (\$5) are deposited into the state User Fee Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**Explanation of Local Expenditures:** *Suspension From Office-* If a local elected official were suspended, they would have their nonhealth benefit compensation stopped. The impact of this provision on local expenditures would depend on local action.

*Reinstatement With Back Pay-* This provision would allow an elected official who is acquitted or had charges dropped to receive back pay from their suspension from duty. If the official were convicted of a misdemeanor they could be eligible for their back salary in whole or in part depending on the decision reached by the legislative body.

**Explanation of Local Revenues:** *Court Fee Revenue:* If additional judicial reviews 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, depending upon the particular type of case.

Persons filing a civil case are also be required to pay the following fees that are deposited in local funds.

The document storage fee (\$2) is deposited into the clerk record perpetuation fund.

The following fees are deposited into the general fund of the county in which the court is located:

- Document fees (\$1 per document) are charged for preparing transcripts or copies of record or certificate under seal.
- Service fee (\$10) collected from the filing party for each defendant beyond the first cited in the lawsuit.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, city and town courts, county prosecutors.

**Information Sources:**

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