

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6669

BILL NUMBER: SB 226

NOTE PREPARED: Mar 29, 2013

BILL AMENDED: Mar 28, 2013

SUBJECT: Suspension of Local Officeholders.

FIRST AUTHOR: Sen. Glick

FIRST SPONSOR: Rep. Heuer

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *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.

Study Committee Topic- The bill urges the Legislative Council to assign to a study committee during the 2013 legislative interim the topic of the suspension of state elected officials (excluding officials of the judicial branch of state government) who are charged with the commission of a felony.

Effective Date: July 1, 2013.

Explanation of State Expenditures: (Revised) *Study Committee Topic*- The impact of this provision would depend on future Legislative Council action. A topic assigned to an existing statutory committee would likely not increase expenditures. If a new interim committee were established, expenditures would increase. The additional expenditures would be the budgeted amount of resources for the new committee by the Legislative Council. During the FY 2012 interim, the Legislative Council set the budgets for study committees at \$9,500 for committees with less than 16 members and \$16,500 for committees with 16 or more members.

Explanation of State Revenues: *Suspension from Office-* 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-* The bill provides that a local elected official who is suspended from office is entitled to continue to receive the salary, remuneration, and other benefits the official would receive if not suspended.

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: Legislative Council.

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

Information Sources:

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