

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

**LS 6999**

**BILL NUMBER: SB 400**

**NOTE PREPARED: Feb 21, 2013**

**BILL AMENDED: Feb 18, 2013**

**SUBJECT:** Detainment of Citizens under Federal Defense Act.

**FIRST AUTHOR:** Sen. Banks

**FIRST SPONSOR:** Rep. McMillin

**BILL STATUS:** As Passed Senate

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill prohibits specified state actors in Indiana from aiding certain United States agencies or other state actors in the investigation, prosecution, or detention of a person lawfully in Indiana under a state or federal law that the state actor knows or reasonably should know violates the due process clause of the United States Constitution or the Due Course of Law Clause of the Indiana Constitution, and prohibits state actors from investigating, prosecuting, or detaining a person lawfully in Indiana under a state or federal law that the state actor knows or reasonably should know violates the due process clause of the United States Constitution or the Due Course of Law Clause of the Indiana Constitution. It also makes a knowing or intentional violation a Class A misdemeanor.

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

**Explanation of State Expenditures:**

**Explanation of State Revenues:** (Revised) If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue would likely be small.

**Explanation of Local Expenditures:** (Revised) Class A misdemeanor is punishable by up to one year in jail.

**Explanation of Local Revenues:** (Revised) If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.