

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6740
BILL NUMBER: HB 1129

DATE PREPARED: Dec 15, 1998
BILL AMENDED:

SUBJECT: Fees from deferred prosecutions.

FISCAL ANALYST: Susan Preble
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FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a court to collect an alcohol and drug offense diversion fee of \$200 in each case in which prosecution is conditionally deferred, deferred, or subject to a pretrial diversion and in which the court determines that the use or abuse of alcohol, drugs, or harmful substances was a contributing factor or an element of the offense and the defendant is not indigent. It requires the fees to be distributed to the State Drug Free Communities Fund.

Effective Date: July 1, 1999.

Explanation of State Revenues: This bill will increase revenue to the State User Fee Fund by an indeterminable amount. The bill requires court clerks to collect a \$200 alcohol and drug offense diversion fee each time a case is deferred or subject to pretrial diversion. From the total amount collected by court clerks, 25% of the diversion fees collected will be distributed semiannually to the Auditor of State for deposit into the State User Fee Fund. The current balance of the State Drug Free Communities Fund is approximately \$4.5 million.

There are no statistics available on the number of cases in which prosecution is deferred or subject to pretrial diversion. Approximately 23% of all cases disposed in 1997 were dismissals (316,873 cases). This dismissal figure includes, but is not limited to, cases that are deferred or subject to pretrial diversion. There is no separate breakdown with which to determine the number of deferrals and pretrial diversions statewide.

Explanation of Local Expenditures:

Explanation of Local Revenues: Passage of this bill will increase revenue to local drug free communities funds. From the total amount collected by court clerks, 75% of the alcohol and drug offense diversion fees collected will be distributed monthly to the county auditor, who will deposit the fees into the County Drug Free Communities Fund.

State Agencies Affected: Office of the State Auditor.

Local Agencies Affected: Trial, city and town court clerks; county auditors.

Information Sources: Lilia Judson, Division of State Court Administration, 232-2542; Jeff Bercovitz, Indiana Judicial Center, 232-1313; Stephen Johnson, Indiana Prosecuting Attorneys' Council, 232-1836; Mark Massa, Marion County Chief Deputy Prosecuting Attorney, 327-5326; Donna Richie, Office of the State Auditor, 232-4736; 1997 Indiana Judicial Report, Vol. I, p.46, 61.