

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

301 State House
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FISCAL IMPACT STATEMENT

LS 6425

BILL NUMBER: SB 38

DATE PREPARED: Apr 6, 1999

BILL AMENDED: Apr 5, 1999

SUBJECT: Body piercing.

FISCAL ANALYST: Ron Sobecki

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill requires the Executive Board of the State Department of Health to adopt rules to regulate the sanitary operation of body piercing facilities. The bill makes it a Class A misdemeanor to perform body piercing on a minor unless the minor's parent or legal guardian is present and provides written permission. It exempts earlobe piercing. It exempts an act of a licensed health care professional when the act is performed in the course of the professional's practice. It allows a local governmental unit to adopt an ordinance that is at least as restrictive as the body piercing and tattooing law.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill requires the State Department of Health to adopt rules to regulate the operation of body piercing facilities. The cost of rule adoption is minor and can be absorbed within their existing budget.

Explanation of State Revenues: This bill creates a Class A misdemeanor to perform body piercing on a minor without the minor's parent or legal guardian present and the parent's written permission. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund could increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court 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. (2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: State Department of Health.

Local Agencies Affected: Trial Courts, local law enforcement agencies.

Information Sources: