

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

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6221

BILL NUMBER: SB 77

DATE PREPARED: Nov 16, 1998

BILL AMENDED:

SUBJECT: Protection from domestic violence; address confidentiality.

FISCAL ANALYST: Susan Preble

PHONE NUMBER: 232-9867

FUNDS AFFECTED: **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill establishes an address confidentiality program in the Indiana Criminal Justice Institute. It makes the program available to individuals, including minors and incapacitated persons represented by a parent or guardian, who are victims of domestic violence and wish to keep their addresses confidential from their abusers.

The bill prescribes guidelines for the administration of the program, and provides that an address designated by the Indiana Criminal Justice Institute serves as the individual's address for purposes of: (1) service of process; and (2) receipt of mail. It enables the individual to vote without making the individual's address available to the public. It requires the address of the individual who participates in the program to remain confidential except under certain circumstances. It makes it a Class B misdemeanor for an individual to provide false or incorrect information on a program application. It also requires the Indiana Criminal Justice Institute to designate certain agencies that provide services to victims of domestic violence to assist an individual who applies to the program.

Effective Date: July 1, 1999.

Explanation of State Expenditures: Currently, the following six (6) states have address confidentiality programs for victims of domestic violence: California, Florida, Massachusetts, Nevada, New Jersey, and Washington. The program is administered by the Secretary of State's Office in California, Nevada, and Washington, the Attorney General's Office in Florida and Massachusetts, and the New Jersey Division on Women in New Jersey.

In the state of Washington for example, participation in the program is voluntary, and the program manager works closely with community-based service providers, domestic violence counselors, the prosecutor's office, and domestic violence shelters, who help to determine whether the program is appropriate for a particular domestic violence victim. The individual is referred to the Secretary of State's Office, and is asked,

but not required, to submit some documentation that the individual is a domestic violence victim. However, the participant is required to sign a statement verifying that he or she is a victim of domestic violence. Washington state reports that very little face-to-face contact with participants is necessary to administer the program effectively.

The Washington state program serves 980 people, with an annual operating budget of approximately \$190,600, at a cost of \$158 per participant. Washington state administers the program at an off-site secret location, for which it pays a \$700 monthly rental cost. The yearly budget includes funding for three full-time employees: a program manager, an administrative assistant, and a mail processor. Currently, the mail processor works three days per week.

Currently, no similar program exists within the Indiana Criminal Justice Institute. The agency's administration of programs for victims primarily involves the management of grants and the payment of claims. The funds and resources required to administer the program could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) Funds that, otherwise, would be reverted; or (5) New appropriations. Currently, the following 13 positions are vacant at the Institute: two *secretary 4s*, two *secretary 3s*, one *administrative assistant 4*, two *program coordinator 6s*, one *program coordinator 4*, one *program coordinator 3*, one *program director 2*, one *administrative analyst 2*, one *statistician 3* and one *unclassified E6*. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Explanation of State Revenues: This proposal also requires that it is a Class B misdemeanor for an individual to provide false or incorrect information on a program application. 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 B misdemeanor is \$1,000. 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 B Misdemeanor is punishable by up to 180 days 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, the 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.

State Agencies Affected: Indiana Criminal Justice Institute

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

Information Sources: Margaret McKinney, Program Manager, Address Confidentiality Program, Office

of the Secretary of State, Washington State, (360) 753-7121; Catherine O'Connor, Executive Director, Indiana Criminal Justice Institute, (317) 232-2560; Personnel Department Manning Table (run date 10/30/98).