

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

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FISCAL IMPACT STATEMENT

LS 6074
BILL NUMBER: SB 110

DATE PREPARED: Oct 27, 1998
BILL AMENDED:

SUBJECT: Hate crimes.

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (A) This bill requires law enforcement agencies to: (1) collect information concerning crimes that are apparently directed at an individual or a group because of the individual's or group's race, color, religion, sexual orientation, or national origin; and (2) submit the information to the Indiana central repository for criminal history information.

(B) It requires the Indiana Central Repository for Criminal History Information to submit a compiled report of this information to each law enforcement agency.

(C) It also allows an individual who suffers a pecuniary loss as a result of: (1) being injured; or (2) having property damaged or destroyed by another individual; because of the individual's race, color, religion, sexual orientation, or national origin to bring a civil action against the individual who caused the loss.

(D) This bill defines bias crime offender. It also requires a court, when sentencing an individual who has committed a crime motivated by a bias against another individual's race, color, religion, sexual orientation, or national origin, to impose an additional fixed term of imprisonment not to exceed five years.

Effective Date: July 1, 1999.

Explanation of State Expenditures: Provision B may require the addition of a data entry person (and computer equipment) to process information submitted to the State Police. Approximately \$600 annually may be needed for mailing to local law enforcement agencies. The funds and resources required above 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. There are currently 188 vacancies within the State Police from which a new data entry position could be filled. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions. Funding for the Indiana State Police originates from the state General Fund and the Motor Vehicle

Highway Fund.

Provision D potentially enhances lengths of incarceration by the following amounts:

Offenses	presumptive sentence (judicial discretion range)	maximum enhanced sentence	maximum total sentence
Class A Misdemeanor	up to 1 year	5 years	6 years
Class D felony	1.5 years (+1.5/-1)	5 years	8 years
Class C felony	4 years (+4/-2)	5 years	13 years
Class B felony:	10 years (+10/-4)	5 years	25 years
Class A felony	30 years (+20/-10)	5 years	55 years

The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner.

Explanation of State Revenues: (C) The filing fee for civil actions is \$100. Of this fee, 70% or \$70 is deposited in the state General Fund if the case is filed in a trial court. If a civil case is filed in a city or town court, the state General Fund receives 55% of the \$100 filing fee.

Explanation of Local Expenditures: Provision A potentially increases the amount of time that local law enforcement agencies may need to spend in preparing reports that would be submitted to the State Police.

(C) Added civil actions may increase the caseloads of some trial courts or city or town courts. The operating expenses of the trial courts are paid by the county general fund. The expenses of the city and town courts are paid by the general fund of the city or town in which the court is located.

If defendants are detained in county jails for longer periods, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: (C) If additional court actions occur guilty verdicts are entered, local governments would receive revenue from the following sources: (1) The county general fund receives 27% of the \$120 court fee 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 is 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: Indiana State Police; Department of Correction.

Local Agencies Affected: Trial courts; county jails.

Information Sources: Department of Correction; Indiana Sheriffs Association; State Manning Table, Sept 30, 1998.