

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

301 State House
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FISCAL IMPACT STATEMENT

LS 6720
BILL NUMBER: SB 159

DATE PREPARED: Feb 12, 1999
BILL AMENDED: Feb 11, 1999

SUBJECT: Bail requirements.

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

IMPACT: State & Local

Summary of Legislation: (Amended) This bill allows a court that admits a defendant to bail to require the defendant to post a combination of property and surety bonds as a condition of bail. It provides that if a court requires a defendant to deposit cash in an amount equal to the defendant's bail, the court shall require the defendant and each person who makes the deposit on behalf of the defendant to execute an agreement that allows the court to retain all or a part of the cash to pay publicly paid costs of representation and fines, costs, fees, and restitution the court may order the defendant to pay if the defendant is convicted.

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues: This bill could increase state revenue by allowing for the collection of court costs through any funds remaining from a defendant's 10% bail bond. Of the amount collected through court costs in the circuit, superior, county, municipal and probate courts, the clerk distributes 70% for deposit in the state General Fund.

Of the court costs collected through the city or town courts, 55% is distributed to the State General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: This bill could increase local revenue by allowing for the collection of court costs through any funds remaining from a defendant's 10% bail bond. Of the amount collected through court costs in the circuit, superior, county, municipal and probate courts, the clerk distributes 27% for deposit in the county general fund and 3% to the local municipal fund (only if a city or town maintains a law enforcement agency that prosecutes at least 50% of its ordinance violations in a circuit, superior, county or municipal court in the county).

Of the court costs collected through the city or town courts 20% is distributed to the county general fund and 25% to the city or town general fund.

State Agencies Affected:

Local Agencies Affected: Courts; clerks.

Information Sources: IC 33-19-7; Indiana Judicial Report, Vol. I.