

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

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 6401**  
**BILL NUMBER: SB 222**

**DATE PREPARED:** Jan 22, 1999  
**BILL AMENDED:** Jan 21, 1999

**SUBJECT:** Hunting while intoxicated.

**FISCAL ANALYST:** Brian Tabor  
**PHONE NUMBER:** 233-9456

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill prohibits hunting while intoxicated. It provides that a person who hunts with a blood or breath alcohol count of at least 0.10% or while intoxicated commits a Class C misdemeanor. The bill increases the offense to: (1) a Class B misdemeanor if the person has a previous conviction for hunting while intoxicated; or (2) a Class A misdemeanor if the offense results in the death of another person.

This bill also permits a court to order a person convicted of hunting while intoxicated not to hunt for one or two years and provides that a person who hunts after being ordered not to hunt commits a Class A misdemeanor. A court would be permitted to revoke a person's hunting license for two years if the person has committed a previous offense of hunting while intoxicated.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** (Revised) This proposal establishes criminal penalties relating to hunting while under the influence of alcohol or controlled substances:

*Class C misdemeanor:* Hunting while intoxicated would constitute a Class C misdemeanor.

*Class B misdemeanor:* If an individual has been previously convicted of hunting while intoxicated, any subsequent violation would be considered a Class B misdemeanor. Also, causing serious injury to another person as a result of hunting while intoxicated would also constitute a Class B misdemeanor.

*Class A misdemeanor:* If the death of an individual (other than the offender) results from hunting while intoxicated, the offense would be increased to a Class A misdemeanor. Also, if a previous offender violates a court-ordered ban from hunting under this bill, the penalty would be a Class A misdemeanor.

The number of criminal cases that would occur as a result of this bill is unknown. The Law Enforcement Division of the Department of Natural Resources (DNR) reports that there is no information available regarding the number of alcohol-related hunting incidents in Indiana.

**Explanation of State Revenues:** (Revised) 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 C misdemeanor is \$500.
- The maximum fine for a Class B misdemeanor is \$1,000.
- 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:** (Revised) The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

- A Class C misdemeanor is punishable by up to 60 days in jail.
- A Class B misdemeanor is punishable by up to 180 days in jail.
- A Class A misdemeanor is punishable by up to one year in jail.

**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:**

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

**Information Sources:** Col. Larry Allen, Director, Law Enforcement Division, DNR, (317) 232-4010.