

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

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6912
BILL NUMBER: SB 302

DATE PREPARED: Dec 23, 1998
BILL AMENDED:

SUBJECT: Preventive detention.

FISCAL ANALYST: Mark Bucherl
PHONE NUMBER: 232-9869

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill prohibits a person charged with committing certain violent crimes, battery of a spouse or former spouse, or stalking from being admitted to bail while the law enforcement agency charging the person with the offense undertakes an investigation to determine whether there are conditions under which the person may be released on bail or recognizance to assure: (1) the person's appearance at any stage of the legal proceedings; or (2) the person will not pose a risk of physical danger to another person or the community. It directs the law enforcement agency conducting the investigation to file a report upon completion of the investigation with the judicial officer who will make the bail determination. It provides that the report must be filed not more than 48 hours after the person's arrest. It also provides that if the report alleges that no condition will reasonably assure: (1) the person's appearance at any stage of the legal proceedings; (2) another person's safety; or (3) the safety of the community, the judicial officer shall hold a hearing to consider the report and to make a final determination as to whether the person charged with the offense may be delayed from admittance to bail or recognizance for not more than 48 hours.

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill allows officers to perform investigations on certain violent crimes involving the potential of physical danger. Report filing may entail some additional administrative cost for law enforcement agencies and courts, within regular budgetary expenditures. Also, the bill may cause longer stays in county jails for the persons involved in the crimes specified. The average daily jail cost is \$44.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Local law enforcement agencies; courts; county jails.

Information Sources: Indiana Sheriffs Association.