

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

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6971**  
**BILL NUMBER: SB 305**

**DATE PREPARED:** Dec 21, 1998  
**BILL AMENDED:**

**SUBJECT:** Bail procedure and pretrial release.

**FISCAL ANALYST:** Susan Preble  
**PHONE NUMBER:** 232-9867

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

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that if: (1) a defendant executes a bail bond by depositing cash or securities with the clerk of a court in an amount not less than 10% of the bail; and (2) the defendant fails to appear before the court as ordered, the court must order the remainder of the deposit, after certain civil judgments and fees have been paid, and the bond transferred to the county in which the court has jurisdiction. It requires the deposit and bond to be deposited in the county general fund of the county.

This bill specifies that money deposited in the county general fund may only be used to: (1) operate pretrial release programs; and (2) assist a sheriff in returning persons to custody who have failed to appear before a court as ordered while participating in pretrial release programs. (Current law requires the deposit and the bond to be forfeited and deposited in the Common School Fund as provided in the Constitution of the State of Indiana.)

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

**Explanation of State Revenues:** This bill will decrease revenue to the Common School Fund because bond forfeitures will be diverted to counties. In 1998, the amount of fines and bond forfeitures deposited in the Common School Fund totaled \$5,618,963 (approximately 4% of the total collections deposited in the Common School Fund in 1998). It is not known how much of the \$5,618,963 is attributed to bond forfeitures because counties do not separate bond forfeiture amounts from fine and penalty revenue when they transfer the funds to the state for deposit in the Common School Fund.

In addition to fines and forfeitures, revenue is deposited in the Common School Fund from other sources, including unclaimed funds, escheated estates, balances exceeding \$500,000 from the Abandoned Property Fund, loan repayments from school corporations, and investments made by the Treasurer's Office. In 1998, \$155,667,254 in total revenue was deposited in the Common School Fund.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** Local revenue will increase because the bond forfeitures that were transferred to the state and deposited into the Common School Fund will now remain in the county.

**State Agencies Affected:**

**Local Agencies Affected:** Counties; clerks.

**Information Sources:** Susan Gordon, State Board of Accounts, (317) 232-2513; Dan Bastin, Auditor's Office, (317) 232-3309; Rae Della Cravens, President, Court Clerks Association, (812) 384-8532; *Indiana Handbook of Taxes, Revenues, and Appropriations*.