

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

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7195

BILL NUMBER: HB 1213

DATE PREPARED: Jan 6, 2000

BILL AMENDED:

SUBJECT: Regulation of explosives.

FISCAL ANALYST: Beverly Holloway

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill defines a regulated explosive to include a destructive device, an explosive, and a poison gas.

The Office of the State Fire Marshal is required to periodically inspect places where regulated explosives are manufactured or stored. The Office of the State Fire Marshal is also required to issue a regulated explosives magazine permit to an applicant if the applicant meets certain qualifications.

This bill requires a manufacturer or handler of a regulated explosive to maintain insurance covering fire and explosion losses.

This bill creates criminal offenses for the manufacture, transport, distribution, possession, or use of certain regulated explosives or devices.

This bill requires a physician or hospital administrator who treats a person for an injury that was inflicted while the person was making or using a destructive device to report the case to a local law enforcement agency not more than 72 hours after the time the person is treated.

This bill makes conforming amendments.

Effective Date: July 1, 2000.

Explanation of State Expenditures: This bill clarifies the current inspection requirements of the Office of the State Fire Marshal with regard to the manufacturing and storage of regulated explosives. The clarifications should not cause an increase in expenditures for the Office of the State Fire Marshal.

This bill creates a Class B felony, a Class C felony, and Class D felony for violations specified in the bill.

A Class B felony is punishable by a prison term ranging from six to twenty years depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$17,500 in FY 1998. Individual facility expenditures range from \$11,900 to \$29,400. (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. The average length of a stay in DOC facilities for all Class B felony offenders is approximately three years, seven months, for all Class C felony offenders, the average length of a stay is approximately two years, and ten and a half months for all Class D felony offenders.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B, C and D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior or county court, 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: The reporting by an administrator or the administrator's designee of a hospital or outpatient surgical center to a local law enforcement agency will not have a fiscal impact to the hospital or the local law enforcement agency.

If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

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: Office of the State Fire Marshal; Department of Correction.

Local Agencies Affected: Trial courts; Local law enforcement agencies; An administrator or the administrator's designee of a hospital or outpatient surgical center.

Information Sources: Indiana Sheriffs Association; Department of Correction.