

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

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7260

BILL NUMBER: HB 1239

DATE PREPARED: Jan 6, 2000

BILL AMENDED:

SUBJECT: Definition of bomb.

FISCAL ANALYST: Mark Goodpaster

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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State

Summary of Legislation: This bill defines "bomb" for purposes of criminal law and procedure statutes.

Effective Date: July 1, 2000.

Explanation of State Expenditures: This bill establishes a precise statutory definition for a bomb to preclude possible challenges for prosecutions of this offense. (Some county prosecutors have expressed concern over the lack of specificity.) This provision is unlikely to significantly increase prosecutions for the offense. Bomb possession is a Class C felony. Bomb operation is a Class B felony. Four persons were incarcerated to Department of Correction facilities in FY 1999 due to these criminal provisions, one for the B felony and three for the C felony.

A Class C felony is punishable by a prison term ranging from two to eight years. A Class B felony is punishable by a term of six to 20 years. Terms are dependent 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 stay in DOC facilities for all Class C felony offenders is approximately two years; for Class B offenders it is three years, seven months.

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 all felonies 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: 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: Department of Correction.

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

Information Sources: Steve Johnson, Prosecuting Attorneys Council, 232-1836; Indiana Sheriffs Association; Department of Correction.