

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

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 7438**  
**BILL NUMBER: HB 1729**

**DATE PREPARED: Jan 9, 2001**  
**BILL AMENDED:**

**SUBJECT:** Compulsive gambling.

**FISCAL ANALYST:** Jim Landers  
**PHONE NUMBER:** 232-9869

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

**IMPACT:** State

**Summary of Legislation:** The bill requires the Indiana Gaming Commission to adopt rules to enhance programs for the prevention and treatment of problem gambling. The bill also requires the rules to implement a program in which problem gamblers may voluntarily exclude themselves from Riverboat gambling facilities. The bill provides that the program must include a list of the participating persons. It also provides that a person may be excluded or ejected from a Riverboat gambling facility if the person's name is on the list of program participants. The bill provides that a person who participates in the program commits criminal trespass, a Class A misdemeanor, if the person knowingly or intentionally enters a Riverboat gambling facility.

**Effective Date:** July 1, 2001; January 1, 2002.

**Explanation of State Expenditures:** The bill could potentially lead to an increase in cost to the Indiana Gaming Commission. The extent of this cost is not estimated and depends, in part, on actions taken by the Commission.

The bill requires the Commission to adopt rules to enhance programs for the prevention and treatment of problem gambling. The impact of this provision is unknown and will depend upon the nature and scope of program enhancements the Commission elects to undertake.

The bill also requires the Commission to adopt rules to implement a "voluntary exclusion" program for problem gamblers. The program allows individuals to put themselves on a statewide list of people who want to be excluded from Riverboat gambling facilities. The list would be administered by the Commission. The Commission would presumably notify the Riverboats of those individuals participating in the program. The bill also provides that a person participating in the voluntary exclusion program who attempts to enter a Riverboat has committed criminal trespass. The Commission would also have to enforce this provision. As a result, this program could result in additional cost to the Commission relating to enforcement, postage,

printing, and other administrative activities. Currently, Missouri operates a voluntary exclusion program similar to that outlined in the bill. As of January 2001, nearly 2,300 individuals have voluntarily excluded themselves from Riverboat casinos in Missouri. The cost of enforcement in Missouri is reportedly negligible because these activities are conducted by State Highway Patrol officers who are already assigned to investigative and law enforcement activities at the casinos. Research is ongoing regarding the postage, printing, and other administrative costs incurred by Missouri in the conduct of its voluntary exclusion program.

**Explanation of State Revenues:** The bill provides that a person participating in the voluntary exclusion program who knowingly or intentionally enters a Riverboat gambling facility has committed criminal trespass, a Class A Misdemeanor. 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 A misdemeanor is \$5,000. 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.

The Missouri voluntary exclusion program provides for a similar offense. As of January 2001, nearly 2,300 individuals were participating in the voluntary exclusion program. However, for the first 11 months of 2000 had been recorded.

**Explanation of Local Expenditures:** The bill provides that a person participating in the voluntary exclusion program who knowingly or intentionally enters a Riverboat gambling facility has committed criminal trespass, a Class A Misdemeanor. A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** The bill provides that a person participating in the voluntary exclusion program who knowingly or intentionally enters a Riverboat gambling facility has committed criminal trespass, a Class A Misdemeanor. 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:** Indiana Gaming Commission.

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

**Information Sources:** Melissa Stevens, Missouri Gaming Commission, (573) 522-1373.  
Missouri Gaming Commission Website at <http://www.mgc.state.mo.us/>.