

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

301 State House
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FISCAL IMPACT STATEMENT

LS 6311
BILL NUMBER: SB 74

DATE PREPARED: Nov 15, 2000
BILL AMENDED:

SUBJECT: Arrests by Federal Employees.

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FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that before a federal employee may make an arrest, a search, or a seizure in Indiana, the federal employee must file a written notice with the sheriff who has jurisdiction in the county in which the arrest, search, or seizure will occur. It provides certain exceptions. The bill specifies the contents of the written notice. The bill allows a person who suffers a pecuniary loss as a result of a violation of the written notice requirements to bring a civil action against the person who caused the loss to recover certain damages and expenses. It also provides that, under the Tenth Amendment of the Constitution of the United States and Indiana's compact with the other states, the General Assembly declares that any federal law that purports to provide federal employees with the authority of a sheriff in Indiana is not recognized by and is specifically rejected by Indiana and is invalid in Indiana.

Effective Date: Upon passage.

Explanation of State Expenditures: This bill may increase the Attorney General's Office administrative expenses in processing federal requests involving arrests, searches and seizures. Figures regarding the total number of federal arrests, searches and seizures that occur in Indiana are not available. However, it is estimated that the U.S. Customs Services, the largest federal agency, performs about 200 arrests, searches and seizures each year in Indiana. The FBI, the second largest federal agency, performs less than 500 of these actions annually.

Twelve federal agencies employ persons with criminal investigation and enforcement functions: U.S. Customs Services; Federal Bureau of Investigations; Immigration and Naturalization Service; Internal Revenue Service; U.S. Postal Inspection Service; Drug Enforcement Administration; U.S. Secret Service; National Park Service; Bureau of Alcohol, Tobacco and Firearms; U.S. Forest Service; GSA-Federal Protective Services; and U.S. Fish and Wildlife Service. Any court challenges that may arise regarding federal employees acting with the authority of a sheriff in Indiana would be defended by the Office of the Attorney General.

Explanation of State Revenues: The filing fee for civil actions is \$100. Of this fee, 70% or \$70 is deposited in the state General Fund if the case is filed in a trial court. If a civil case is filed in a city or town court, the state General Fund receives \$55 of the \$100 filing fee.

Explanation of Local Expenditures: This bill may increase sheriffs' offices administrative expenses in processing federal requests involving arrests, searches and seizures. Also, added civil actions may increase the caseloads of some trial courts or city or town courts. The operating expenses of the trial courts are paid by the county general fund. The expenses of the city and town courts are paid by the general fund of the city or town in which the court is located.

Explanation of Local Revenues: An increase in the number of civil actions filed would also increase filing fee revenue to local governments. The proportion of the \$100 filing fee that local governments receive depends on the type of court in which the civil action is filed. If the case is filed in trial court, the county general fund receives \$27. Three dollars are deposited in the general fund of the cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a circuit, superior, county, or municipal court located in the county. If the case is filed in a city or town court, the county general fund receives \$20 and the city or town general fund receives \$25.

State Agencies Affected: Office of the Attorney General.

Local Agencies Affected: Sheriffs; Courts.

Information Sources: Statistical Abstract of the United States, 1996 ed., *No. 336 Federal Agencies Employing 500 or More Full-Time Offices with Authority to Carry Firearms and Make Arrests, by Function, 1993*. Doug Garrison, FBI, Indianapolis. Mike Abrams, U.S. Customs Service, Indianapolis.