

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6563

BILL NUMBER: HB 1374

NOTE PREPARED: Dec 11, 2002

BILL AMENDED:

SUBJECT: Release of military discharge records.

FIRST AUTHOR: Rep. GiaQuinta

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a military discharge record is not available for public inspection and copying. The bill allows the veteran who is the subject of the record, a veterans' service officer, and other persons under a court order to have access to the record. The bill allows a veteran to have the county recorder permanently remove the veteran's discharge record from the public records.

Effective Date: Upon passage; July 1, 2003.

Explanation of State Expenditures: Under the bill, a public employee disclosing a military discharge, except to the person subject of the discharge or certain individuals under a court order, would be subject to the penalty for unlawful disclosure, 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.

Explanation of Local Expenditures: Under the bill, a veteran may request to have their discharge documents removed from the county public record by the recorder. This provision may add a minimal increase in administrative time spent to remove military record documents. Under the bill, the county recorder may not charge a fee to remove discharge documents from the public record.

Penalty: 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: 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:

Local Agencies Affected: Trial courts, local law enforcement agencies, veterans service officers, county recorder.

Information Sources:

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