

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6091

BILL NUMBER: HB 1464

NOTE PREPARED: Feb 17, 2003

BILL AMENDED: Feb 6, 2003

SUBJECT: Violence Free Community Fee.

FIRST AUTHOR: Rep. Lawson L

FIRST SPONSOR: Sen. Mrvan

BILL STATUS: As Passed - House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill establishes a Violence Free Community Fund funded by a \$200 Violence Free Community Fee to be collected in specified felony cases that involve the use of a firearm or a deadly weapon. It requires the Fee to be distributed to prosecuting attorneys to: (1) reduce the unlawful use of firearms; (2) promote firearm safety training; (3) reduce community violence; and (4) provide equipment for law enforcement agencies.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: The clerk of the circuit court would need to collect and transfer fees generated by this bill. The bill also requires each county auditor to establish a new account for a Violence Free Community Fund. Specific impact would depend on local action.

Explanation of Local Revenues: Based on commitments to the Department of Correction in 2002 and assuming each committed offender pays the full fee, **an estimated \$80,000** might be collected from offenders sentenced for firearm violations alone.

Criminal Fee Background: Under current law, a criminal cost fee of \$120 and a document fee (\$1 per certificate under seal, \$3 for a lien on real estate) is collected by the clerk of the court when a person is convicted of a felony or misdemeanor.

The following fees may also be collected from a convicted person depending on the court or the county:

- marijuana eradication program fee (not more than \$300),
- alcohol and drug services program fee (not more than \$400), and
- a law enforcement continuing education program fee (\$3).

If the conviction was for a controlled substance offense, the clerk will also collect the drug abuse, prosecution, interdiction, and correction fee of not less than \$200 and not greater than \$1,000.

If the convicted person was driving while intoxicated, the clerk is required to collect an alcohol and drug countermeasures fee of \$200.

Additionally, persons convicted of an offense including: murder, battery, rape, manslaughter, where the victim was less than 18 years of age, must pay a child abuse prevention fee of \$100 to the clerk. If the crime involved domestic violence towards a spouse, former spouse, or child with the spouse, the convicted person is required to pay a domestic violence prevention and treatment fee of \$50 to the clerk.

There are six additional fees that a convicted person may have to pay depending on the crime committed.

Under the bill, a \$200 Violence Free Community Fee would be added to these other fees. The fee would be assessed on convicted persons of crimes involving firearms including: various firearm violations, homicide, battery, kidnaping and confinement, sex crimes, and robbery as defined by the bill.

Revenue collected from this fee would be deposited by the county auditor into the Violence Free Community Fund. Under the bill, the county fiscal body would be required to adopt an ordinance to appropriate the money in the fund to the prosecuting attorney of the county. The county fiscal body would not be permitted to transfer any money generated by this fee and appropriated to the prosecuting attorney for any other uses besides the uses specified in this bill.

Firearm convictions entering the Department of Corrections: The following table illustrates a five-year history of the individuals convicted of a felony involving a firearm and committed to the Department of Correction.

Felony Category	Crime	Code Citation	1997	1998	1999	2000	2001	2002
B	Dangerous Control of a Handgun	35-47-10-6					0	0
B	Felon in Possession of Firearm	35-47-4-5					47	88
C	Carrying a Handgun Without a Licence	35-47-2-3					37	113
C	Dangerous Control of a Handgun	35-47-10-6					1	0
C	Dangerous Possession of a Handgun	35-47-10-5					0	0
C	Deadly Weapon on an Aircraft		0	0	0	0		
C	False Information or Purchase of Handgun	35-47-2-17					0	0
C	Firearm Within One Mile of School	35-47-2-1					41	99
C	Handgun Violation	35-47-2-7	130	78	174	232	142	59
C	Obliterating Handgun ID	35-47-2-18					3	9
C	Possession of Machine Gun or Bomb	35-47-5-8	5	0	3	0	2	7
C	Possession of Sawed Off Shotgun	35-47-5-4.1					0	0
D	Dealing in a Sawed Off Shotgun	35-47-5-4.1	6	3	2	4	3	5
D	Handgun Violations	35-47-2-1	16	14	13	44	9	6
D	Illegal Possession of Firearm by Felon	35-47-4-4					0	1
D	Pointing a Firearm	35-47-4-3					6	15
D	Possession of Firearm on School Property	35-47-9-2					0	0
D	Possession of Handgun Without License	35-47-2-23					1	4
D	Possession of Sawed Off Shotgun	35-47-5-4.1					0	1
D	Unlawful Delivery of Confiscated Firearm		0	0	0	0	0	0
D	Unlawful Delivery of Confiscated Firearm	35-47-3-4					1	0
D	Unlawful Use of Body Armour	35-47-5-13					0	0
	Total		157	95	192	280	293	407

Using the information in the table above, it is estimated that for firearm violations alone, \$80,000 would have been collected by counties if the Violence Free Community Fund were in place in 2002.

State Agencies Affected:

Local Agencies Affected: County auditor, clerk of the circuit court, county fiscal bodies, prosecuting attorney.

Information Sources: Department of Correction.

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