

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6890

BILL NUMBER: SB 365

NOTE PREPARED: Jan 5, 2004

BILL AMENDED:

SUBJECT: Legal Status of Restitution Orders.

FIRST AUTHOR: Sen. Mrvan

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that restitution ordered in a criminal action is a final judgment and has the effect of a final judgment in a civil action.

Effective Date: July 1, 2004.

Explanation of State Expenditures: *See Explanation of Local Expenditures.*

Explanation of State Revenues:

Explanation of Local Expenditures: A condition of probation, restitution is automatically entered as a judgement at the time of sentencing. The responsibility to collect the restitution then becomes that of the probation officer.

This bill would simplify current court procedures, allowing a victim to use the same final judgement for both criminal and civil actions. Currently, a victim must obtain two separate judgements. The bill could potentially reduce court time, and workload for prosecuting attorneys. A reduction in workload for probation officers is not anticipated. Marion County Probation Department reports that any shift in restitution collection responsibilities would have very minimal impact. Probation officers are still responsible for the collection of other fees. Any decrease in court time, or workload for prosecuting attorneys, are dependent on the number of cases falling under the requirements of this bill.

Background Information: Under current law, a court can order a person who is on probation to pay restitution to a victim of a crime that was conducted by the person on probation. The money paid by the person can be

either paid to the Criminal Justice Institute of Indiana or to the clerk of the circuit court.

During CY 2002, trial courts in 67 counties and courts in 11 cities reported receiving \$6.59 M in restitution from probationers to be forwarded to aggrieved parties

Restitution (In Millions) Collected From Offenders on Probation By Calendar Year				
<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
\$5.49	\$5.72	\$6.81	\$7.17	\$6.59

The Indiana Criminal Justice Institute reports the following revenues have been collected for victim restitution and deposited in the Victims Compensation Fund:

Court-Ordered Restitution Deposited in Violent Crime Victims Compensation Fund By Fiscal Year				
<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
\$45,935	\$32,214	\$26,423	\$32,203	\$22,435

[Note: This portion of the fiscal note will be updated when additional information becomes available].

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts; Local law enforcement agencies; Prosecuting attorneys.

Information Sources: Todd McCormack, Hendricks County, 317-745-9264; Christina Ball, Marion Superior Court Probation, 317-327-4596; Steve Johnson, Prosecuting Attorney's Council, 232-1836.

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