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FISCAL IMPACT STATEMENT

LS 7052

BILL NUMBER: HB 1339

NOTE PREPARED: Apr 10, 2007

BILL AMENDED: Mar 29, 2007

SUBJECT: Protection from Self-Incrimination for Juveniles.

FIRST AUTHOR: Rep. Brown C

FIRST SPONSOR: Sen. Lawson

BILL STATUS: As Passed Senate

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- A. It provides that information provided by a child in the course of mental health screening, assessment, evaluation, or treatment provided during juvenile court, probation, or intake proceedings may not be admitted as evidence against the child on the issue of whether the child committed a delinquent act or a crime. It specifies that this provision does not affect a disclosure or reporting requirement in effect on July 1, 2007, under statute or in case law regarding a statement that relates directly to the facts or immediate circumstances of a homicide or reveals that the child may intend to commit a crime.
- B. It provides that a person who is at least 21 years of age and who is alleged to have committed a murder is not considered a child under juvenile law, even if the murder was committed when the person was less than 18 years of age, and specifies that certain juvenile procedures only apply to persons less than 18 years of age.

Effective Date: July 1, 2007.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues: *Mental Health Screening of Juveniles* – The provision involving statements made by a juvenile under mental health screening should have no fiscal impact.

Background on Mental Health Screening of Juveniles – Under current law, if either a juvenile court orders or a juvenile volunteers for mental health screening or treatment, any statements that the juvenile makes to the evaluator could possibly be used against the juvenile during a trial or sentencing. As proposed, this bill would require the statements made by the juvenile in the course of screening or evaluation would not be able to be admitted into evidence. The only exceptions would be any statements relating to the circumstances of a murder, whether the juvenile intends to commit a crime in the future, or if the juvenile or the juvenile's legal guardian consents to disclosing this information.

Adults Accused of Committing Crimes as Juveniles – While these types of cases are rare, this bill could potentially reduce the amount of hearing time for juvenile courts. This bill would be limited to cases where an adult is charged with committing murder when the adult was less than 18 years of age. Under current law, defendants over the age of 21 who are accused of committing crimes when they were under 18 would be sent to juvenile court for an initial hearing. Under current law, the juvenile court would probably transfer the case to adult court because, as an adult, the defendant would not be able to be rehabilitated by the juvenile court.

State Agencies Affected:

Local Agencies Affected: Trial courts with criminal jurisdiction.

Information Sources: Steve Johnson, Prosecuting Attorneys Council.

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