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FISCAL IMPACT STATEMENT

LS 6972

BILL NUMBER: SB 552

NOTE PREPARED: Jan 8, 2007

BILL AMENDED:

SUBJECT: Pretrial Release Information.

FIRST AUTHOR: Sen. Drozda

FIRST SPONSOR:

BILL STATUS: As Introduced

**FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It requires the clerk of a court that has jurisdiction over persons who have been charged with a crime but released from custody to: (1) prepare a record containing certain information about the persons; (2) update the record on a quarterly basis and an annual basis; and (3) post a copy of the record in the clerk's office.
- B. It requires the clerk to submit to the Indiana Criminal Justice Institute quarterly reports and annual summary reports that contain certain information about persons charged with a crime but released from custody.
- C. It requires the Indiana Criminal Justice Institute to make reports submitted to the Institute available for public inspection and copying during regular office hours.
- D. It requires the clerk to: (1) collect a fee of \$5 from each person who has been charged with a crime but released from custody; and (2) deposit the fee in the clerk's Record Perpetuation Fund.

Effective Date: July 1, 2007.

Explanation of State Expenditures: The Indiana Criminal Justice Institute would be required to make annual reports submitted by court clerks available for public inspection and copying during regular office hours. The impact to the Institute will depend upon the size of the annual reports and the number of people requesting copies.

Explanation of State Revenues:

Explanation of Local Expenditures: Any added workload for court clerks will depend on the technology

used in the local court system and the number of defendants released on bail. Currently, 44 counties are approved to post court records on the Internet. Of these counties, some systems have the capacity to run queries to develop summary reports. The majority would likely need to add more staff and more technology to prepare these reports in a timely manner.

Added staff would also likely be needed to obtain the court schedule and track each case on a daily basis to produce a monthly update on each record. If the court did not have an automatic tracking system to post court records on the Internet, the court would need to notify the clerk of a defendant's failure to appear.

Court clerks would include the following when an individual is admitted to bail:

- a case number,
- a description of the offense,
- the date of any court appearance the defendant missed, and
- the type of release.

Court clerks would then submit annual reports including the following information to the Indiana Criminal Justice Institute about the number of people:

- who have been charged with a crime but granted a pretrial release;
- who were granted pretrial release but failed to appear at a scheduled court appearance;
- who failed to appear and for whom a warrant was issued for failure to appear; and
- who were arrested for another offense while released from custody, broken down by the method of release.

Explanation of Local Revenues: This bill could increase revenue that is deposited into the clerk's Record Perpetuation Fund. The amount of increase is indeterminable. The clerk would collect \$5 from each person who was charged with a crime but released from custody after posting either a corporate surety bond, cash bond, property bond, a cash deposit with the clerk, or release by person recognizance.

State Agencies Affected: Criminal Justice Institute.

Local Agencies Affected: Trial courts with criminal jurisdiction and clerks of the court.

Information Source: Mary DePrez, Division of State Court Administration;
<http://www.in.gov/judiciary/trialcourts/tr77-approval> www.floydcounty.in.gov/court_rec_menu.asp

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