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FISCAL IMPACT STATEMENT

LS 6167

BILL NUMBER: HB 1198

NOTE PREPARED: Feb 2, 2010

BILL AMENDED: Jan 25, 2010

SUBJECT: Criminal Conversion of Leased Motor Vehicles.

FIRST AUTHOR: Rep. Steuerwald

FIRST SPONSOR: Sen. Steele

BILL STATUS: As Passed House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Criminal Conversion*: The bill provides that evidence that a person: (1) acquired a motor vehicle by lease; (2) signed a written agreement to return the motor vehicle to a specified location within a specified time; and (3) failed to return the motor vehicle within 21 days after that time or five days after a written demand; constitutes prima facie evidence that the person knowingly or intentionally exerted unauthorized control over property of another person.

National Crime Information Center: It requires a city, town, or county law enforcement agency to report the theft of, or failure to return, leased motor vehicles to the National Crime Information Center.

Effective Date: July 1, 2010.

Explanation of State Expenditures: (Revised) *Criminal Conversion*: Criminal conversion is a Class A misdemeanor, unless it involves exerting unauthorized control over a motor vehicle with the intent to use it to assist another person to commit a crime (a Class D felony) or if it is used to assist another person in the commission of a felony (a Class C felony). There are no data available to indicate how many offenders may be convicted of criminal conversion as a Class A misdemeanor, or a Class D or C felony if certain elements would constitute prima facie evidence that a person knowingly or intentionally exerted unauthorized control over the property of another.

A Class D felony is punishable by a prison term ranging from 6 months to 3 years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances, and a Class C felony is punishable by a prison term ranging from 2 to 8 years, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,194 in FY 2009. (This does not include the cost of

new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,050 in FY 2009. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately 10 months and for all Class C felony offenders is approximately 2 years.

Explanation of State Revenues: (Revised) *Criminal Conversion:* 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 D or Class C felony is \$10,000, and 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 criminal costs 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. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: (Revised) *National Crime Information Center:* The bill has minimal fiscal impact on local law enforcement agencies to report to the National Crime Information Center the theft of or failure to return a motor vehicle and to report that a previously reported motor vehicle has been recovered.

(Revised) *Criminal Conversion:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. A Class A misdemeanor is punishable by up to one year in jail. The average cost per day is approximately \$44.

Explanation of Local Revenues: (Revised) *Criminal Conversion:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs 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 the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; DOC.

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