

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6896
BILL NUMBER: SB 224

NOTE PREPARED: Feb 24, 2010
BILL AMENDED: Feb 22, 2010

SUBJECT: Electronic Dissemination of Indecent Material.

FIRST AUTHOR: Sen. Merritt
FIRST SPONSOR: Rep. L. Lawson

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Sentencing Policy Study Committee*: The bill requires the Sentencing Policy Study Committee to study and make recommendations regarding the sending of sexually suggestive or sexually explicit material over the Internet or by use of a cellular telephone or similar device.

Classes and Instruction: It provides that a school corporation may offer classes or instruction regarding the risks and consequences of creating and sharing sexually suggestive or sexually explicit materials electronically.

Petition to Remove Designation as a Sex Offender: The bill also provides filing and notice requirements for a petition to remove a person's designation as a sex offender or to require the person to register under less restrictive conditions.

Effective Date: July 1, 2010.

Explanation of State Expenditures: (Revised) *Sentencing Policy Study Committee*: The Sentencing Policy Study Committee is established in statute. The bill would add to the issues the Committee is required to study, but is not expected to increase Committee costs.

Explanation of State Revenues: (Revised) *Petition to Remove Designation as a Sex Offender*: Under current law, a person who is required to register as a sex offender, may, in certain circumstances, petition the court to remove the person's designation as a sex offender. The bill provides more specific details of the requirements for the petition including the venue, notification, and time line.

If as a result of these details being included in statute, additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. 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), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case. If filings for civil actions to remove a person's designation as a sex offender increase, the

Explanation of Local Expenditures: *Petition to Remove Designation as a Sex Offender:* To verify a sex or violent offender's address, local law enforcement must mail a form, approved by the Department of Correction (DOC), to the registered sex or violent offender's listed address once a year. If fewer offenders are included in the register, less cost may be incurred.

Explanation of Local Revenues: *Petition to Remove Designation as a Sex Offender:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil 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 court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement.

Information Sources:

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