

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6192
BILL NUMBER: SB 88

NOTE PREPARED: Jan 11, 2013
BILL AMENDED: Jan 10, 2013

SUBJECT: Legal Costs.

FIRST AUTHOR: Sen. Delph
FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

**FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill requires a court to award attorney's fees to the prevailing party in all civil actions.

Effective Date: July 1, 2013.

Explanation of State Expenditures: (Revised) This bill could reduce litigation expenditures to the state. The Office of the Attorney General represents the state in cases where the state is a defendant in a civil lawsuit. If the state of Indiana is a defendant in a lawsuit and the state prevails, the Office of the Attorney General could produce a detailed summary of the costs for the case in which it prevailed and potentially recover some or all of the costs.

The bill also provides that the Legislative Services Agency is to prepare legislation for the regular session of the General Assembly to organize and correct statutes affected by this bill.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) This bill could reduce litigation expenditures to local governments. Counties and municipalities either retain attorneys by contract or have attorneys on staff. If a local government prevails in a lawsuit, the local unit of government may be able to recover some or all of the costs of legal representation.

Explanation of Local Revenues:

State Agencies Affected: Office of the Attorney General; Legislative Services Agency.

Local Agencies Affected: County and municipal governments.

Information Sources:

Fiscal Analyst: Mark Goodpaster, 317-232-9852.