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FISCAL IMPACT STATEMENT

LS 6731 | **NOTE PREPARED:** Feb 15, 2013
BILL NUMBER: SB 347 | **BILL AMENDED:** Feb 14, 2013

SUBJECT: Child Solicitation.

FIRST AUTHOR: Sen. Head | **BILL STATUS:** 2nd Reading - 1st House
FIRST SPONSOR:

FUNDS AFFECTED: X **GENERAL** | **IMPACT:** State & Local
X **DEDICATED**
FEDERAL

Summary of Legislation: (Amended) *Child Solicitation:* This bill increases the penalty for child solicitation to a Class B felony if a person solicits the child to engage in sexual intercourse or deviate sexual conduct and the person: (1) has a previous conviction; or (2) travels to meet the child after using a computer network to solicit the child.

Social Networking: The bill prohibits sex offenders, as a condition of probation, parole, or participation in a community transition program, from using social media to contact a child less than 16 years of age, makes it a Class A misdemeanor if the person knowingly or intentionally violates this condition, and increases the penalty to a Class D felony if the person has a prior unrelated conviction for a violation of this provision.

The bill provides a defense if the person reasonably believed that the child was at least 16 years of age.

The bill specifies that a person at least 18 years of age can commit the offense of inappropriate communication with a child. (Under current law, the offense can only be committed by a person at least 21 years of age).

The bill increases the penalty for inappropriate communication with a child if the person has a prior unrelated conviction for a sex offense.

Effective Date: (Amended) Upon passage; July 1, 2013; July 1, 2014.

Explanation of State Expenditures: The bill specifies conditions under which the crimes of child molesting, child exploitation, child solicitation, and child seduction while using a computer would apply. The bill narrows

somewhat the offenses. However, it is unknown how many people might be convicted of the revised offenses.

The penalties involve Class A misdemeanor, and Class B, C, and D felony offenses. A Class D felony is punishable by a prison term of 6 months to 3 years, depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging between 2 and 8 years. A Class B felony is punishable by a prison term ranging from 6 to 20 years.

The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately 2 years, approximately 3.7 years for Class B felony offenders, and approximately 10 months for Class D felony offenders.

The average expenditure to house an adult offender was $18,582 in FY 2012. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost for medical care, food, and clothing is approximately $3,234 annually, or $8.86 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was $78,318 in FY 2012.

Explanation of State Revenues: The bill could affect revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees). The maximum fines for a Class D, C, or B felony is $10,000.

Explanation of Local Expenditures: If defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may change. However, any changes would likely be small.

Explanation of Local Revenues: Court fees for all criminal convictions are $120. However, any changes would likely be small.

State Agencies Affected: Department of Correction.

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

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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