

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

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FISCAL IMPACT STATEMENT

LS 6036
BILL NUMBER: HB 1012

NOTE PREPARED: Jul 21, 2022
BILL AMENDED:

SUBJECT: Firearm Storage.

FIRST AUTHOR: Rep. Gore
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 prohibits a person from keeping or storing a loaded firearm on any premises controlled by the person if the person knows, or reasonably should know, that a child is likely to gain access to the firearm.
- B. It provides that a child's possession of a firearm resulting from a person's knowing or intentional failure to secure a firearm is a Class C misdemeanor for the person responsible for control of the premises. It provides that the offense is a Class B misdemeanor if the person has a prior unrelated conviction for the offense. It provides that a child's use of an unsecured firearm resulting in injury or death to any other person due to a person's knowing or intentional failure to secure a firearm is a Class A misdemeanor for the person responsible for control of the premises. It provides that the offense is a Level 6 felony if the person has a prior unrelated conviction for the offense.
- C. It specifies certain defenses. It specifies particular sign requirements for retail dealers. It defines terms. It makes conforming amendments.

Effective Date: January 1, 2023.

Explanation of State Expenditures: A Level 6 felony is punishable by a prison term ranging from 6 to 30 months, with an advisory sentence of 1 year. The sentence depends on mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$24,506 annually, or \$67 daily, in FY 2021. (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 \$4,333 annually, or \$11.67 daily, per prisoner. These marginal cost estimates are based on contractual agreements with food and medical vendors and projections based on prior years for clothing and hygiene.

The estimated average cost of housing a juvenile in a state juvenile facility was \$133,799, or \$366.32 daily, in FY 2021. The marginal cost for juvenile facilities was \$4,891 annually or \$13.40 daily.

The entire Level 6 sentence may be suspended and the person placed on either probation or community correction. If no time is suspended, the offender can receive good time credit of 50% and educational credit time. After adjusting for credit time, the offender can be released from prison and placed on parole.

Explanation of State Revenues: 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 fines under this bill are shown in the following table:

Level 6 Felony	Class A Misdemeanor	Class B Misdemeanor	Class C Misdemeanor
\$10,000	\$5,000	\$1,000	\$500

Criminal fines are deposited in the Common School Fund.

Both felonies and misdemeanors can be filed in circuit and superior courts. Misdemeanors can also be filed in city or town courts. If the case is filed in a circuit or superior court, 70% of the \$120 criminal 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, the automated record keeping fee (\$20) is deposited into the state user fee fund, and the judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$3) are deposited into the state General Fund.

The bill also requires retailers to display a sign at their business and failing to post the sign is a Class C infraction. The violation is a Class A infraction if the retail dealer has a prior adjudication. The maximum judgment for a Class C infraction is \$500 and \$10,000 for a Class A infraction. Infraction judgments are deposited in the state General Fund. However, any additional revenue is likely to be small.

Explanation of Local Expenditures: The terms of confinement for these crimes is shown in the following table:

Class A Misdemeanor	Class B Misdemeanor	Class C Misdemeanor
Up to 1 year	Up to 180 days	Up to 60 days

The average cost per day to incarcerate a prisoner is approximately \$54 based on the per diem payments reported by U.S. Marshals to house federal prisoners in 16 county jails across Indiana during federal FY 2017.

Explanation of Local Revenues: 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 court 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. Persons found guilty of a felony or

misdemeanor are also required to pay the document storage fee (\$5), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

State Agencies Affected:

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

Information Sources:

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