

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

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FISCAL IMPACT STATEMENT

LS 7001

BILL NUMBER: HB 1217

NOTE PREPARED: Jan 5, 2024

BILL AMENDED:

SUBJECT: Dissolution of Human Remains.

FIRST AUTHOR: Rep. Genda

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Alkaline Hydrolysis*– The bill provides for alkaline hydrolysis as a means for the dissolution of human remains.

Rules– The bill requires the State Board of Funeral and Cemetery Service to adopt rules governing the operation of alkaline hydrolysis facilities.

Cross References– The bill adds alkaline hydrolysis to cross-references that allow for burial or cremation.

Effective Date: January 1, 2025.

Explanation of State Expenditures: *Rules*– The State Board of Funeral and Cemetery Service would likely be able to adopt rules during regularly scheduled meetings of the Board. The Board averages six meetings per year.

Criminal Justice Institute– This provision may slightly increase the amount of funds dispersed when the Criminal Justice Institute decides to use such funds for the dissolution of remains of a victim of a violent crime if alkaline hydrolysis instead of standard flame cremation. However, current law limits the maximum disbursement at \$5,000 for funeral expenses. Depending on the provider, alkaline hydrolysis can be slightly higher in cost than a cremation.

Department of Health– Township trustees are required to be reimbursed for any township assistance placed towards the funeral by the Indiana Department of Health for funeral expenses of an otherwise indigent person that dies within confines of a special institution governed by the IDOH (Silvercrest Children's Development

Center or Indiana Soldiers' and Sailors' Children's Home). If alkaline hydrolysis is used in place of standard flame cremation, the IDOH may be reimbursing those affected Townships at a slightly higher cost.

Additionally, the IDOH would need to develop forms for the dispersion of alkaline hydrolysis remains. It is likely the IDOH would be able to develop the required form as a routine matter of business.

Penalty Provisions: The bill introduces two new Level 6 felonies. 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. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,456 annually, or \$12.21 daily, per prisoner. However, any additional expenditures are likely to be small.

Explanation of State Revenues: *Penalty Provisions:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Level 6 felony is \$10,000. The bill also introduces a new Class A misdemeanor, of which the maximum fine is \$5,000. The total fee revenue per case would range between \$113 and \$135. The amount of court fees deposited will vary depending on whether the case is filed in a court of record or a municipal court. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

Explanation of Local Expenditures: *Township Trustee Decision to Use Alkaline Hydrolysis*– This provision may slightly increase costs of dissolution of human remains in cases where a person without other means of paying for a funeral service dies in the township, if the trustee chooses alkaline hydrolysis over standard flame cremation. It is not likely this choice would significantly impact expenditures from the Township Assistance Fund when compared to a traditional burial with casket.

Penalty Provisions: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provisions:* If additional court actions occur and a guilty verdict is entered, more revenue will be collected by certain local units. If the case is filed in a court of record, the county general fund will receive \$47.40 and qualifying municipalities will receive a share of \$3.60. If the case is filed in a municipal court, the county receives \$30, and the municipality will receive \$46. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

State Agencies Affected: Indiana Criminal Justice Institute (Victim Services Division); State Board of Funeral and Cemetery Service; Indiana Department of Health; Department of Correction.

Local Agencies Affected: Township trustees; trial courts, local law enforcement agencies.

Information Sources: Indiana Supreme Court, Indiana Trial Court Fee Manual; Department of Correction; <https://time.com/6151559/aquamation-cremation-funeral-alternative/>; [https://titancasket.com/blogs/funeral-guides-and-more/aquamation-vs-cremation-cost-types-and-differences](https://titancasket.com/blogs/funeral-guides-and-more/aquamation-vs-cremation-cost-types-and-differences;); <https://www.betterplaceforests.com/blog/aquamation/comparing-aquamation-alkaline-hydrolysis-vs-cremation-the-complete-guide/>.

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