

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

200 W. Washington St., Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
iga.in.gov

**FISCAL IMPACT STATEMENT**

**LS 6640**

**BILL NUMBER:** HB 1233

**NOTE PREPARED:** Dec 21, 2021

**BILL AMENDED:**

**SUBJECT:** Possession of Firearms.

**FIRST AUTHOR:** Rep. Payne

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill repeals provisions concerning the: (1) confiscation and retention of firearms from a dangerous person; (2) compilation and publication of statistics related to the confiscation and retention of firearms from a dangerous person; and (3) making of a false report that a person is dangerous. The bill modifies a provision concerning a petition to find that an individual is no longer dangerous.

**Effective Date:** July 1, 2022.

**Explanation of State Expenditures:** *Penalties*— Several penalties including Class A and B misdemeanors and a Level 5 felony would be eliminated under the bill with respect to retention of firearms. Department of Correction expenditures may be reduced slightly as a result of the bill with regard to fewer commitments to DOC facilities in future years. A Level 5 felony is punishable by a prison term ranging from 1 to 6 years, with an advisory sentence of 3 years. 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 \$4,333 annually, or \$11.87 daily, per prisoner. However, any additional expenditures are likely to be small.

*Office of Judicial Administration (OJA)*— The OJA may see a slight reduction in administrative workload as a result of the bill. The OJA was required to begin compiling firearm confiscation and retention data after July 1, 2021. The OJA has until January 1 of the following year to provide the Legislative Council a report of its findings from the previous year. Given the date of the provision, it is likely the OJA has been in the process of compiling and publishing the required data.

**Explanation of State Revenues:** *Penalties*– If fewer 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 decrease. The maximum fine for a Level 5 felony is \$10,000. The maximum fine for a Class A misdemeanor is \$5,000 and for a Class B misdemeanor is \$1,000. However, any reduction in revenues would likely be small.

**Explanation of Local Expenditures:** *Courts and Law Enforcement*– Courts and local law enforcement would see a reduction in administrative workload if fewer cases came before the courts regarding dangerous persons with respect to possessing a firearm. The change would allow courts and law enforcement to use the time to conduct other trial proceedings and investigations.

*Penalties*– If fewer defendants are detained in county jails prior to their court hearings, local expenditures for jail operations could decrease. However, any reduction in expenditures would likely be small. A Class A misdemeanor is punishable by up to one year in jail. A Class B misdemeanor is punishable by up to 180 days in jail.

*Temporary Commitments*– There may be fewer temporary commitments to mental health facilities by court order as a result of the bill, if fewer people possessing firearms are deemed dangerous by courts in future years. The savings to the facilities is indeterminable.

**Explanation of Local Revenues:** *Penalties*– If fewer court actions occur, local governments would receive less revenue from court fees. However, the reduction would likely be small.

**State Agencies Affected:** Department of Correction.

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

**Information Sources:**

**Fiscal Analyst:** Chris Baker, 317-232-9851.