

**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 6210
BILL NUMBER: SB 70

NOTE PREPARED: Feb 21, 2022
BILL AMENDED: Feb 17, 2022

SUBJECT: Obstruction of Justice.

FIRST AUTHOR: Sen. Crider
FIRST SPONSOR: Rep. McNamara

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a person commits obstruction of justice if the person induces a witness in a legal proceeding to: (1) withhold or delay producing evidence that the witness is legally required to produce; (2) avoid a subpoena or court order; (3) not appear at a proceeding to which the witness has been summoned; or (4) give a false or materially misleading statement.

The bill provides that a person commits obstruction of justice, as a Level 5 felony, if the person induces a witness to give a false or materially misleading statement during the investigation or pendency of a domestic violence or child abuse case. The bill establishes a uniform definition of "communicates" for the criminal code. The bill makes other changes and conforming amendments.

Effective Date: July 1, 2022.

Explanation of State Expenditures: *Summary*– The bill would have an indeterminable, but likely minimal increase in the Department of Correction’s annual total commitments. Analysis of Abstracts of Judgment data found 49 persons charged and convicted of felony 5 obstruction of justice as the highest offense they were charged with from FY 2017 through FY 2021. The definition change for “communicate” should not have any impact on the Department’s commitments.

Additional Information: 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.

Explanation of State Revenues: 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 5 felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: 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: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction.

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

Information Sources: Indiana Supreme Court Abstracts of Judgment.

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