

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

LS 6599
BILL NUMBER: SB 172

NOTE PREPARED: Dec 17, 2024
BILL AMENDED:

SUBJECT: Failure to Assist in Immigration Enforcement.

FIRST AUTHOR: Sen. Young M
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill makes it a Class B misdemeanor for: (1) a law enforcement officer to refuse to cooperate with state or federal agencies or officials in the enforcement of immigration laws; and (2) an individual to adopt a policy barring a law enforcement officer from cooperating with state or federal agencies or officials in the enforcement of immigration laws. The bill also establishes certain defenses for the law enforcement officer.

Effective Date: July 1, 2025.

Explanation of State Expenditures: *Review of Administrative Policies:* State law enforcement entities will likely need to review policies to ensure cooperation with federal entities as required by this bill. This is within the routine administrative functions of the affected agencies and should be accomplished within existing resources.

Cooperation with Agencies and Officials: Depending on the degree of cooperation required, this bill is likely to increase the workload for state law enforcement entities and may require additional resources. The actual resources required will depend on the nature and amount of cooperation or assistance requested, differences between requested assistance and existing standard operating procedures, and the ability of agencies to re-task existing personnel and resources. The overall level of expenditures by affected state agencies is likely to either remain constant or increase as a result of this bill.

Explanation of State Revenues: *Criminal Penalties:* 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 fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. The total fee revenue per case would range between \$113 and \$138. 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: *Review of Administrative Policies:* Local law enforcement entities will

likely need to review policies to ensure cooperation with state and federal entities as required by this bill. This is within the routine administrative functions of the affected agencies and should be accomplished within existing resources.

Cooperation with Agencies and Officials: Depending on the degree of cooperation required, this bill is likely to increase the workload for local law enforcement entities and may require additional resources. The actual resources required will depend on the nature and amount of cooperation or assistance requested, differences between requested assistance and existing standard operating procedures, and the ability of agencies to re-task existing personnel and resources. The overall level of expenditures by affected agencies is likely to either remain constant or increase as a result of this bill, and costs incurred are likely to be unevenly distributed across localities.

Criminal Penalties: A Class B misdemeanor is punishable by up to 180 days in jail. The average cost per day to incarcerate a prisoner is approximately \$64.53 based on the per diem payments reported by U.S. Marshals to house federal prisoners in 11 county jails across Indiana during CY 2021.

Explanation of Local Revenues: *Criminal Penalties:* 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: State law enforcement agencies.

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

Information Sources: Indiana Supreme Court, Trial Court Fee Manual.

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