

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

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FISCAL IMPACT STATEMENT

LS 6027
BILL NUMBER: SB 293

NOTE PREPARED: Jan 29, 2024
BILL AMENDED:

SUBJECT: Trespass.

FIRST AUTHOR: Sen. Maxwell
FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that "agent", for purposes of certain provisions of the trespass statute, includes a law enforcement officer if the owner of the property requested the presence of a law enforcement officer at or near the property.

Effective Date: July 1, 2024.

Explanation of State Expenditures: Expanding the definition of "agent" for the purposes of certain criminal trespass provisions, to include a law enforcement officer if the officer's presence has been requested on or near the property, may result in additional cases of criminal trespass, a Class A misdemeanor. However, criminal trespass is a Level 6 felony if it is committed on a scientific research facility, a facility belonging to a public utility, school property, a school bus, or if the person has a prior trespass offense on the same property.

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: Expanding the definition of "agent" for the purposes of certain criminal trespass provisions, to include a law enforcement officer if the officer's presence has been requested on or near the property, may result in additional cases of criminal trespass, a Class A misdemeanor (or Level 6 felony on certain properties).

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 Class A misdemeanor is \$5,000. The maximum fine for a felony is \$10,000. Criminal fines are deposited in the Common School Fund. 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.](#)

Additional Information: Currently, if the owner or agent of a property (which includes an operator, manager, adult employee, or security agent employed by store) has denied entry to a person (who does not have a contractual interest in the property) or has asked a person to leave, and the person knowingly or intentionally enters or refuses to leave the property, the person commits criminal trespass. Expanding the definition of “agent,” as provided by the bill, would apply when the person who owns the property or has a contractual interest in the property, is not present, and has requested a law enforcement officer to act in their absence to deny entry to a person or ask a person to leave. It is unknown how many criminal trespass cases involve a law enforcement officer when the owner or owner’s agent is not present.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. For Level 6 felonies, if more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. 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. However, any additional expenditures would likely be small.

Explanation of Local Revenues: 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: Department of Correction.

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

Information Sources: Indiana Supreme Court, Indiana Trial Court Fee Manual; Department of Correction

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