

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

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FISCAL IMPACT STATEMENT

LS 6206
BILL NUMBER: SB 410

NOTE PREPARED: Oct 28, 2020
BILL AMENDED:

SUBJECT: Special Prosecutor to Investigate Deadly Force.

FIRST AUTHOR: Sen. Ford J.D.
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires the Attorney General to randomly select a special prosecutor from a statewide Special Prosecuting Attorney Pool to prosecute a case involving a law enforcement officer who kills or causes serious bodily injury to another person through the use of deadly force.

Effective Date: July 1, 2021.

Explanation of State Expenditures: *Indiana State Police Department*—This bill requires the Indiana State Police (ISP) to assign a forensic and investigative team to support a special prosecutor named by the Attorney General. Although ISP detectives are capable of conducting investigations of this type and currently do so when a local agency requests such support, this requirement represents a significant increase in workload for the ISP outside of the agency’s routine administrative functions, and existing staffing and resource levels, if currently being used to capacity, may be insufficient for full implementation. If additional personnel are required, each new ISP investigator will cost approximately \$107,000 in total compensation per year. The additional funds and resources required could be supplied through existing staff and resources currently being used in another program or with new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

Office of the Governor—This bill requires the Governor to appoint at least ten qualified attorneys to the Special Prosecuting Attorney Pool. Special prosecuting attorneys selected under this process will otherwise conform to the standards already set under IC 33-39-10-2. These requirements should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Office of the Attorney General—This bill requires the Attorney General to select a prosecuting attorney at

random from the pool selected by the Governor, removing from consideration those attorneys who may have, or be perceived to have, a conflict of interest in a given case. The bill's requirements are within the Attorney General's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Explanation of State Revenues:

Explanation of Local Expenditures: *Law Enforcement Agencies*—This bill requires the chief executive of a law enforcement agency to notify the Attorney General of any incident in which a law enforcement officer causes, by their use of force, the death or serious bodily injury of a person. This is within the capacity of law enforcement agencies and should be implemented with no additional funding or manpower. Additionally, in the case of an incident involving a member of the ISP, the Governor may appoint another law enforcement agency to assist the special prosecutor in the investigation of the incident. The state will reimburse the agency providing support to the special prosecutor for expenses incurred during the investigation with money from the state General Fund.

Prosecuting Attorneys—This bill requires the Governor to appoint attorneys to the Special Prosecuting Attorney Pool from the ranks of prosecutors, deputy prosecutors and prosecuting attorneys across the state. Depending on the length and frequency of investigations, the obligations of the appointed special prosecutors may significantly impact the workload of other prosecutors in their regular offices. The offices whose prosecutors make up the pool should be compensated from the state General Fund as provided by this bill, but workload will still increase for these offices. The additional resources required could be supplied through existing staff and resources currently employed in the respective offices or with additional personnel. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

Explanation of Local Revenues:

State Agencies Affected: Office of the Governor; Office of the Attorney General; Indiana State Police.

Local Agencies Affected: Law enforcement agencies, Prosecutors' Offices.

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