

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6416
BILL NUMBER: HB 1052

NOTE PREPARED: Dec 13, 2023
BILL AMENDED:

SUBJECT: Statute of Limitations for Certain Sex Crimes.

FIRST AUTHOR: Rep. Zimmerman
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill allows the prosecution of Level 1 and Level 2 felony sex offenses to be commenced at any time. It also makes conforming changes.

Effective Date: July 1, 2024.

Explanation of State Expenditures: Any increase in DOC's offender population due to this bill is expected to be minor.

Under current law, prosecution for the following offenses is required to be filed before the victim reaches 31 years of age unless the state discovers either DNA evidence or the existence of a recording or the person confesses to the offense.

Sex Crimes That Must Be Prosecuted Before a Victim Reaches 31 Years of Age			
	Class A	Level 1	Level 2
IC 35-42-4-3 (Child molesting)	X	X	X
IC 35-42-4-5 (Vicarious sexual gratification)			X
IC 35-42-4-7 (Child seduction)			X
IC 35-42-4-9 (Sexual misconduct with a minor)	X	X	X

The following table shows the felonies and the prison sentences that existed prior to July 1, 2014, and after June 30, 2014, as enacted by HEA 1006–2014.

Sentencing Ranges			
	Level 1	Level 2	Class A
Minimum	20 years	10 years	20 years
Advisory	30 years	17.5 years	30 years
Maximum	40 years	30 years	50 years

Additional Information – According to the Indiana Supreme Court, the following convictions have been reported for felony sex offenses (child molesting, child seduction, and sexual misconduct with minor) that were Class A or Level 1 or 2 felonies.

	2019	2020	2021	2022	2023
Class A	24	19	9	19	15
Level 1	85	84	71	109	131
<u>Level 2</u>	<u>1</u>	<u>1</u>		<u>2</u>	1
Totals	110	104	80	130	147

The average expenditure to house an adult offender was \$28,110 annually, or \$76.96 daily, in FY 2023. (This does not include the cost of new construction.) If 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. The marginal cost estimates are based on contractual agreements with food and medical vendors and projections based on prior years for clothing and hygiene. The estimated average cost of housing a juvenile in a state juvenile facility was \$112,655 annually, or \$308.43 daily, in FY 2023. The marginal cost for juvenile facilities was \$6,325 annually or \$17.33 daily.

Explanation of State Revenues: 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 any 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.](#)

Explanation of Local Expenditures: 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 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: 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: Department of Correction; U.S. Department of Justice Marshals Service; Abstracts of Judgment, Indiana Supreme Court

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