

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

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FISCAL IMPACT STATEMENT

LS 6340

BILL NUMBER: HB 1053

NOTE PREPARED: Jan 29, 2024

BILL AMENDED:

SUBJECT: Possession of Controlled Substance Paraphernalia.

FIRST AUTHOR: Rep. Garcia Wilburn

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill removes provisions related to testing the strength, effectiveness, or purity of a controlled substance in the criminal laws concerning possession of controlled substance paraphernalia.

Effective Date: July 1, 2024.

Explanation of State Expenditures:

Explanation of State Revenues: If fewer court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would decrease. Any reduction in revenue is expected to be minor.

The maximum fine for a Class A misdemeanor is \$5,000 and \$500 for a Class C misdemeanor. 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 – OFMA found 247 convictions between CY 2018 and 2023 in the Odyssey case management system and abstracts of judgment for possessing a device to test the strength, effectiveness, or purity of a controlled substance as either a Class A or C misdemeanor.

Explanation of Local Expenditures: Counties may save money in two ways: First, public defenders and county paid pauper attorneys would not be required to represent these persons. Second, the county jail

population and probation offices may have fewer commitments. Any reduction in either the county jail population or the probation caseload is expected to be minor.

A Class A misdemeanor is punishable by up to one year in a county jail while a Class C misdemeanor is punishable by up to 60 days in a county 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: If fewer criminal filings occur and convictions are entered, less revenue will be collected by certain local units. Any revenue reduction is expected to be minor.

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:

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

Information Sources: Odyssey Case Management System, Indiana Supreme Court

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