

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

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FISCAL IMPACT STATEMENT

LS 6527

BILL NUMBER: HB 1095

NOTE PREPARED: Feb 22, 2021

BILL AMENDED: Feb 18, 2021

SUBJECT: Trespassing and Aggressive Harassment.

FIRST AUTHOR: Rep. Moed

FIRST SPONSOR: Sen. Messmer

BILL STATUS: As Passed House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Low Barrier Homeless Shelter Task Force*– The bill establishes the Low Barrier Homeless Task Force.

Trespassing– The bill provides that a person commits the offense of criminal trespass if: (1) the person, who does not have a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is designated by a municipality or county enforcement authority to be an unsafe building or premises; or (2) the person knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property has been designated by a municipality or county enforcement authority to be an unsafe building or premises; unless the person has the written permission of the owner, the owner's agent, an enforcement authority, or a court to come onto the property for purposes of performing maintenance, repair, or demolition.

Aggressive Harassment– The bill provides that an individual who harasses another person with the intent to obtain property from the other person commits aggressive harassment, a Class C misdemeanor. It defines "harasses".

Panhandling Repeal– It repeals the chapter concerning panhandling.

Effective Date: July 1, 2021.

Explanation of State Expenditures: *Low Barrier Homeless Shelter Task Force*– Lay members and

legislative members of the proposed task force would be eligible for per diem and mileage reimbursement. (Currently, lay members of task forces would receive a per diem of \$100 and mileage reimbursement of \$0.39 per mile. Legislative members of task forces would receive a per diem of \$183 and mileage reimbursement of \$0.56 per mile.)

Trespassing– This provision may slightly reduce the number of persons placed under charge of criminal trespass, which may reduce the number of Class A misdemeanors and Level 6 felonies slightly in future years. Department of Correction expenditures would likely be minimally affected by this provision.

Penalty Provisions– 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 \$3,524 annually, or \$9.66 daily, per prisoner. However, any change in expenditures is likely to be small.

Explanation of State Revenues: *Penalty Provisions*– If fewer court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would decrease. The maximum fine for a Class A misdemeanor is \$5,000. The maximum fine for a Level 6 felony is \$10,000. However, any reduction in revenues would likely be small.

The bill removes a Class C misdemeanor (panhandling under IC 35-45-17-2) while also adding a new Class C misdemeanor (aggressive harassment). It is unknown if the amount of C misdemeanors would increase, decrease, or remain about the same in future years due to the changes made to these C misdemeanors by bill. Currently, the maximum fine for a Class C misdemeanor is \$500. However, any revenue change is likely to be small. Any change in court fees is indeterminable, but likely would be minimally changed.

Explanation of Local Expenditures: *Penalty Provisions*– A Class A misdemeanor is punishable by up to one year in jail. If fewer defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may decrease. However, any reduction in expenditures would likely be small.

The maximum term of imprisonment for a Class C misdemeanor is up to 60 days, while the maximum term for a Class C misdemeanor is up to 60 days. However, any change in jail expenditures is likely to be small.

Explanation of Local Revenues: *Penalty Provisions*– With respect to trespassing, if fewer court actions occur with a guilty verdict entered, local governments would receive less revenue from court fees. However, any change in revenue would likely be small.

Under the proposed repeal of panhandling and addition of aggressive harassment, court fees would likely be minimally changed.

State Agencies Affected: Department of Correction; Governor’s office; General Assembly; Indiana Housing and Community Development Authority.

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

Information Sources:

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