

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

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FISCAL IMPACT STATEMENT

LS 6651

BILL NUMBER: HB 1256

NOTE PREPARED: Mar 22, 2021

BILL AMENDED: Feb 4, 2021

SUBJECT: Juvenile Court Jurisdiction.

FIRST AUTHOR: Rep. McNamara

FIRST SPONSOR: Sen. Young M

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a child who: (1) commits indecent display by a youth; or (2) commits dangerous possession of a firearm or provides a firearm to another child in certain circumstances; has committed a delinquent act subject to the jurisdiction of a juvenile court.

Effective Date: Upon passage.

Explanation of State Expenditures: The bill could result in a slight reduction in state expenditures if there is a decrease in the adult felony population.

Explanation of State Revenues:

Explanation of Local Expenditures: *Juvenile Offenses:* This bill could increase the number of juveniles in the juvenile court system. The counties would likely incur added costs if they are responsible for this new juvenile population.

The bill outlines two offenses if committed by a person under the age of 18, would be a delinquent act.

- “Indecent Display by a Youth” occurs when a person produces, presents, exhibits, photographs, records, or creates a digitized image of a child between the ages of 12 and 16 years of age. OFMA found no information on convictions for this offense.
- Possession and unlawful transfer of a firearm is a Class A misdemeanor and can be enhanced to a Level 5 felony for a prior conviction. Making this a delinquent act could keep some juveniles out

of the adult system. OFMA found 15 persons between 16 and 17 years of age who were convicted and sentenced as adults for dangerous possession of a firearm by a juvenile as a Level 5 felony between 2014 and 2020. Of these 15 persons sentenced for a Level 5 felony, 9 were committed to a DOC adult facility with an average sentence of 1.85 years.

Persons who are sentenced as juveniles can be either confined in a juvenile detention facility at the state or county level or supervised in a county juvenile probation program. However, juveniles may also be held with a parent or guardian while awaiting trial.

Currently, there are 22 juvenile detention centers located throughout the state. There are 19 centers operated by counties and 4 are privately operated.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; juvenile courts; juvenile detention facilities.

Information Sources: Indiana Supreme Court; Abstracts of Judgment.

Fiscal Analyst: Corrin Harvey, 317-234-9438.