

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

200 W. Washington St., Suite 301
Indianapolis, IN 46204
(317) 233-0696
iga.in.gov

FISCAL IMPACT STATEMENT

LS 6108

BILL NUMBER: SB 26

NOTE PREPARED: Oct 31, 2023

BILL AMENDED:

SUBJECT: Prohibition of Firearms at Polling Places.

FIRST AUTHOR: Sen. Randolph Lonnie M

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill prohibits a person from carrying a firearm in or near: (1) a chute; (2) polls; (3) certain areas where voters congregate or are likely to congregate; or (4) any room where ballots are being counted. It provides that the offense is a Class C misdemeanor. The bill enhances the offense to a: (1) Class A misdemeanor if the person has a prior unrelated conviction for the offense; or (2) Level 6 felony if the firearm is pointed at another person. It also specifies: (1) a defense; and (2) certain notice requirements. It prohibits other defenses, defines particular terms, and makes conforming amendments.

Effective Date: July 1, 2024.

Explanation of State Expenditures: A person pointing a firearm at another person that is otherwise in violation of the bill would commit a Level 6 felony. 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 \$4,456 annually, or \$12.21 daily, per prisoner. However, any additional expenditures are likely to be small.

Explanation of State Revenues: Persons in, on, or near designated voting areas with a firearm could be charged with either a Class C or Class A misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fines are \$10,000 for a felony, \$5,000 for a Class A misdemeanor, and \$500 for a Class C misdemeanor.

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. However, any additional expenditures would likely be small.

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: Indiana Supreme Court, Indiana Trial Court Fee Manual; Department of Correction

Fiscal Analyst: Chris Baker, 317-232-9851.