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FISCAL IMPACT STATEMENT

LS 6984

BILL NUMBER: SB 232

NOTE PREPARED: Jan 29, 2024

BILL AMENDED: Jan 23, 2024

SUBJECT: Statewide 911 System.

FIRST AUTHOR: Sen. Walker K

FIRST SPONSOR: Rep. Barrett

BILL STATUS: As Passed Senate

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *References* - This bill removes references to "Enhanced 911 Service". It changes references from the "Enhanced Prepaid Wireless Charge" to the "911 Service Prepaid Wireless Charge". It makes changes to or repeals certain definitions relating to the State 911 System.

False Informing - The bill changes the offense, from a Class B misdemeanor to a Class A misdemeanor, for false informing. It provides that the offense for false informing is a Level 6 felony if it substantially hinders any law enforcement process or if it results in harm to another person or a Level 5 felony if it results in serious bodily injury or death to another person. (Current law provides that the offense for false informing is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to another person.)

Public Disclosure Exception - The bill provides that information relating to security measures or precautions used to secure the Statewide 911 System may be excepted from public disclosure at the discretion of the Statewide 911 Board.

Service Providers - The bill provides that all originating service providers that provide 911 service for their customers: (1) shall connect to the State 911 System using an industry standard or functional equivalent; and (2) must establish and maintain the connection in accordance with all applicable regulatory requirements requiring service continuity and ensure access to public safety assistance.

Budget Committee Review - The bill requires the Budget Committee to review the Statewide 911 System for the calendar years ending: (1) December 31, 2026; and (2) December 31, 2030. It provides that if the Budget Committee does not recommend that the Statewide 911 Fee assessed should continue to be assessed and

collected after June 30, 2031, the Statewide 911 Fee assessed expires July 1, 2031.

The bill provides that an emergency communications center included in the definition of PSAP may not be construed to create an additional PSAP.

The bill makes a technical correction. It also makes conforming amendments.

Effective Date: July 1, 2024.

Explanation of State Expenditures: *Statewide 911 Board:* The bill may increase workload and expenditures to the Statewide 911 Board to the extent the Statewide 911 Board needs to take action to ensure the statewide 911 system and public safety answering points (PSAPs) establish and maintain an adequate security posture for public safety and protection of personal information. The bill's requirements are within the agency's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Budget Committee: The Budget Committee will need to review the Statewide 911 System for the two calendar years ending December 31, 2026, and December 31, 2030. It will need to submit a report of its findings to the Legislative Council by June 1, 2031. The bill's requirements should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Penalty Provision: State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. However, any expenditure increase is likely to be small. A Level 6 felony is punishable by a prison term ranging between 6 to 30 months, with an advisory sentence of 1 year. A Level 5 felony is punishable by a prison term ranging from 1 to 6 years, with an advisory sentence of 3 years. The period of incarceration will depend upon mitigating and aggravating circumstances. If offenders can be housed in existing facilities with no additional staff, the marginal cost per offender for medical care, food, and clothing is approximately \$4,456 annually, or \$12.21 daily.

Explanation of State Revenues: *Statewide 911 Fee:* If the Budget Committee does not recommend the continued assessment of the Statewide 911 Fee in its report, the fee would not be able to be collected after June 30, 2031. Revenue to the Statewide 911 System would see a significant decrease starting after June 30, 2031.

Penalty Provision: This bill changes the penalty for false informing from a Class B misdemeanor to a Class A misdemeanor. If the false informing leads to substantially hinder any law enforcement process or results in harm of another person, it is a Level 6 Felony instead of a Class A misdemeanor. It adds a Level 5 Felony if false informing leads to serious bodily injury or death. Revenue to the Common School Fund may increase if a person is sentenced for a Class A misdemeanor rather than for a Class B misdemeanor. The maximum fine for a Class B misdemeanor is \$1,000, while the maximum fine for a Class A misdemeanor is \$5,000 and \$10,000 for all felony levels. However, any additional revenue is likely to be small. Court fees would remain unchanged.

Explanation of Local Expenditures: *Penalty Provision:* The maximum term of imprisonment for a Class B misdemeanor is up to 180 days, while the maximum term for a Class A misdemeanor is up to one year. However, any additional costs to local governments are likely to be small.

Explanation of Local Revenues: *Penalty Provision:* Court fees would remain unchanged.

State Agencies Affected: Statewide 911 Board, Department of Correction.

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

Information Sources: Indiana Supreme Court, Indiana Trial Court Fee Manual.
Statewide 911 Board, *Network Report September 2023-Quarter 3*,
https://www.in911.net/uploads/1/2/4/9/124957688/11-indigital_report_23-346_23_q3_in911_board_report_v1.1.pdf.

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