

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

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FISCAL IMPACT STATEMENT

LS 6906
BILL NUMBER: SB 240

NOTE PREPARED: Jan 2, 2024
BILL AMENDED:

SUBJECT: Public Safety.

FIRST AUTHOR: Sen. Freeman
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Spinning:* This bill defines "spinning" as the repeated or continuous operation of a motor vehicle with the intent of causing the vehicle to perform a rotational skid, and provides that a person who recklessly, knowingly, or intentionally engages in spinning commits reckless spinning, a Class B misdemeanor. The bill enhances the penalty for reckless spinning to a Class A misdemeanor if the offense endangers a person. It also makes obstruction of traffic committed in connection with reckless spinning a Class A misdemeanor, and authorizes the civil forfeiture of a motor vehicle used to commit: (1) reckless spinning; or (2) obstruction of traffic in connection with reckless spinning.

False Informing: The bill increases the penalty for false informing to a Level 6 felony if it is committed with the intent of causing a law enforcement officer to be dispatched.

Effective Date: July 1, 2024.

Explanation of State Expenditures: *False Informing:* The bill enhances the criminal penalty for false informing, if a false report is made with the intent to cause a law enforcement officer to be dispatched to a Level 6 felony. The current penalty for false informing is a Class B misdemeanor.

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.. 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: Summary - The bill could increase Class B misdemeanor, Class A misdemeanor, and Level 6 felony convictions in the state, but it could also decrease Class C infraction judgments for offenses pertaining to motor vehicle operation. The bill could potentially increase revenue to the Common School Fund, but could reduce revenue that is deposited in the state General Fund. However, any change in revenue is likely to be small.

Additionally, the bill could increase General Fund revenue from the sale of vehicles seized through civil forfeiture. Increases in General Fund revenue are indeterminable but expected to be small.

Additional Information -

Spinning: The bill creates a new Class B and Class A misdemeanor for performing the act of “spinning”. It is assumed that individuals who are currently cited for the act of “spinning” would receive a Class C infraction citation for a violation of motor vehicle law under IC 9-21-8.

This bill potentially increases revenue to the Common School Fund, but could reduce revenue that is deposited in the state General Fund. This is because fines from misdemeanors are deposited in the Common School Fund, while infraction judgments are deposited in the state General Fund. Currently, the maximum judgment for a Class C infraction is \$500, which is deposited into the state General Fund, while the maximum fine for a Class B misdemeanor is \$1,000 and for a Class A misdemeanor is \$5,000, which is deposited into the Common School Fund. Besides the issuance of fines, the sentencing court may assess a criminal costs fee if a guilty verdict is entered. The court fee for an infraction is \$70, while the court fee for a misdemeanor is \$120. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

Civil Forfeiture: After a seized vehicle is sold through civil forfeiture, investigation and attorney costs are the first items to be repaid with the sale of the vehicle. Of the remaining amounts, proceeds from vehicles sold through civil forfeiture are split between three different destinations, with the General Fund receiving a portion of the revenue.

False Informing: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. However, any increase in revenue is likely to be small. The maximum fine for a Class B misdemeanor is \$1,000, while the maximum fine for a Level 6 felony is \$10,000. Court fees for both misdemeanors and felonies are the same.

Explanation of Local Expenditures: The bill could increase (1) court caseload for civil forfeiture hearings and (2) the workload of the local prosecuting attorney to defend civil forfeiture of vehicles used in the act of “spinning”.

Spinning: Local expenditures could increase if offenders are incarcerated in local jails instead of being only fined. A Class B misdemeanor is punishable by up to 180 days in jail, whereas a Class A misdemeanor is punishable by up to one year in jail. The average daily cost of housing an offender in jail is \$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. There is no term of imprisonment for an infraction.

False Informing: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. However, any cost reduction is likely to be small. The maximum term of imprisonment for a Class B misdemeanor is up to 180 days.

Explanation of Local Revenues: *Spinning:* Local governments could receive additional revenues from any court fees that are collected for cases that were infractions and are now misdemeanors. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

False Informing: Court fees for both misdemeanors and felonies are the same.

Civil Forfeiture: After a seized vehicle is sold through civil forfeiture, investigation and attorney costs are the first items to be repaid with the sale of the vehicle. Of the remaining amounts, proceeds from vehicles sold through civil forfeiture benefit the local general fund and the county law enforcement fund of the local unit that employs the law enforcement officer that seizes the vehicle.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Local prosecuting attorney, trial courts, local law enforcement agencies.

Information Sources: U.S. Department of Justice Marshals Service; Indiana Supreme Court, Indiana Trial Court Fee Manual

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