

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

LS 6272

BILL NUMBER: HB 1035

NOTE PREPARED: Feb 5, 2026

BILL AMENDED:

SUBJECT: Permissible Unsupervised Activity.

FIRST AUTHOR: Rep. Teshka

FIRST SPONSOR: Sen. Carrasco

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill defines "independent activity". It provides that a child is not a child in need of services (CHINS) solely because a parent, guardian, or custodian allows the child to engage in an independent activity unless the parent, guardian, or custodian is so reckless in allowing the child to engage in the independent activity that it endangers the child's health or safety given the child's maturity, condition, and ability. The bill also provides a defense for neglect of a dependent that the accused person reasonably believed that an independent activity was not dangerous.

Effective Date: July 1, 2026.

Explanation of State Expenditures: *Summary* - The bill could decrease the number of child in need of services (CHINS) determinations in the state, which would decrease Department of Child Services (DCS) workload. Decreases in agency workload are expected to be minimal.

The bill also provides a defense against neglect of a dependent. It is assumed this defense would be most likely applied in Level 6 felony neglect of a dependent cases. As a result, the bill could decrease the number of Level 6 felony convictions in the state, however any decrease is expected to be minimal.

Penalty Provision: 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 \$4,825 annually, or \$13.22 daily, per prisoner. However, any additional expenditures are likely to be small.

Explanation of State Revenues: *Penalty Provision:* If less court cases occur, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would decrease.

[The maximum fine for a Level 6 felony is \$10,000. The total fee revenue per case would range between \$113 and \$138. 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: The bill could decrease the number of CHINS determinations in the state, however any decrease in court workload to hear CHINS determination cases is expected to be minimal.

Penalty Provision: If less defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may decrease.

Explanation of Local Revenues: *Penalty Provision:* If fewer court actions result in a guilty verdict, certain local units will collect less revenue. 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 Corrections; Indiana Gateway for Government Units, 2023 Annual Financial Reports, <https://gateway.ifionline.org/public/download.aspx>; Bureau of Justice Statistics, 2023 Annual Survey of Jails Data Series, <https://www.icpsr.umich.edu/web/NACJD/series/7>.

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