

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

LS 6292

BILL NUMBER: HB 1040

NOTE PREPARED: Jan 13, 2026

BILL AMENDED: Jan 8, 2026

SUBJECT: Battery Against Vulnerable Workers.

FIRST AUTHOR: Rep. McNamara

FIRST SPONSOR: Sen. Freeman

BILL STATUS: As Passed House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill increases the penalty for battery on certain health care employees and school employees. The bill specifies that the enhancement for battery committed against a Department of Child Services (DCS) employee applies only to those DCS employees whose responsibilities include personally supervising a child or parent, personally providing services to a child or parent, or personally interviewing a child or parent as part of an investigation.

The bill requires the employer of a health care or school employee who is the victim of battery to report the incident to the department of labor.

Effective Date: July 1, 2026.

Explanation of State Expenditures: *Summary* - This bill would likely have a minor effect on the Department of Correction (DOC) facility population.

Public Safety Official: The bill narrows the circumstances under which DCS employees are considered to be acting in their official capacity as public safety officials. Specifically, this would apply only when employees are personally supervising or providing services to a child or parent, or when interviewing a child or parent as part of an investigation. As a result, the bill could reduce the number of prosecutions for battery against public safety officials charged as Level 5 or Level 6 felonies. The number of such offenses involving DCS employees is currently unknown, but any resulting change is expected to be minimal.

Vulnerable Workers: It makes battery a Level 6 felony instead of a Class A misdemeanor if the battery is committed against a vulnerable worker that resulted in bodily injury while the worker was acting within the scope of their employment, commuting to or from the worker's place of employment, or in retaliation for an act taken by the worker. As a result, the bill could increase state expenditures if more offenders are incarcerated in DOC rather than local jails, or if more juveniles are waived to adult court and subsequently sentenced to DOC instead of county juvenile detention facilities.

"Vulnerable worker" means a health care employee or a school employee.

Additional Information – Under current law, battery against a public safety official is enhanced when the person is on official duty. If a public safety official is touched in a rude manner, the penalty is a Level 6 felony instead of a Class B misdemeanor. If the public safety officer suffers a bodily injury, then the penalty is a Level 5 felony instead of a Class A misdemeanor. If infected bodily fluids are placed on a public safety officer, the offense is a Level 5 felony instead of a Level 6 felony.

The number of persons who have been convicted of battery against a public safety official as either a Level 5 or 6 felony is shown below. The number of persons who would be affected by this bill and have a lower sentence is not known or available.

| Total Persons Convicted of Battery of Public Safety Officials by Felony Level | | | | | |
|--|---------|---------|---------|---------|---------|
| | FY 2021 | FY 2022 | FY 2023 | FY 2024 | FY 2025 |
| Level 5 | 197 | 240 | 192 | 207 | 206 |
| Level 6 | 612 | 746 | 715 | 725 | 670 |
| Grand Total: | 809 | 986 | 907 | 932 | 876 |

The following shows the number of persons of those convicted who were committed to a DOC facility for a portion of their sentence. Over this five year period 47% of the persons who were convicted of a Level 5 felony were committed to DOC while 10% of the Level 6 offenders were committed to DOC.

| Total Persons Convicted of Battery of Public Safety Officials and Committed to DOC by Felony Level | | | | | |
|---|---------|---------|---------|---------|---------|
| | FY 2021 | FY 2022 | FY 2023 | FY 2024 | FY 2025 |
| Level 5 | 107 | 114 | 100 | 111 | 103 |
| Level 6 | 40 | 59 | 97 | 146 | 132 |
| Grand Total: | 147 | 173 | 197 | 257 | 235 |

The average expenditure to house an adult offender was \$30,674 annually, or \$83.98 daily, in FY 2025. (This does not include the cost of new construction.) If 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. These marginal cost estimates are based on contractual agreements with food and medical vendors and projections based on prior years for clothing and hygiene.

Battery Against School Employees - Adjudicated Juvenile Delinquents: Depending on sentencing outcomes, the bill could increase the number of juveniles waived to adult court. In FY 2023, battery was the most commonly waived offense. Based on Odyssey Case Management data, between CY 2019 and 2024, OFMA identified an average of 134 juveniles who were adjudicated delinquent for battery (IC 35-42-2-1) as a Class A misdemeanor and 125 for a Class B misdemeanor, while 31 juveniles were adjudicated delinquent for battery against a public safety official as a Level 6 felony.

According to the IDOE's School Employee Injury Report, approximately 4,133 incidents of school employees being physically injured by a student have been reported during the 2024-2025 school year. It is

unknown how many of these incidents resulted in a criminal prosecution or a juvenile delinquency adjudication.

Battery Against School Employees - Juveniles Sentenced as Adults: Depending on sentencing outcomes, this bill could cause a minor increase in DOC's adult offender population. Between FY 2019 and 2025, OFMA found 11 juveniles who were committed to the DOC for battery as a Level 6 felony. On average, these persons were confined in DOC for 1.63 years. The estimated average cost of housing a juvenile in a state juvenile facility was \$140,044, or \$383.42 daily, in FY 2025. The marginal cost for juvenile facilities was \$8,986 annually or \$24.62 daily.

Explanation of State Revenues: If more court cases occur, fines would increase revenue for the Common School Fund and the state General Fund. The maximum fine for a felony is \$10,000. Criminal fines are deposited in the Common School Fund. 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: *Public Safety Official:* Changing the definition of public safety official could lower the felony levels to misdemeanors in certain cases, as well as, reduce the workload for prosecuting attorneys and other officers of the court. However, any cost reduction is likely to be small.

If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The Gateway reports show that in CY 2023, housing offenders in 33 Indiana county jails cost an average of \$56 to \$79 per day.

The bill's reporting requirements can be implemented by public schools and hospitals.

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; Department of Child Services; Department of Labor.

Local Agencies Affected: Trial courts, local law enforcement agencies; county prosecuting attorneys; public schools; county or municipal hospitals.

Information Sources: Indiana Criminal Justice Institute, Juvenile Under Adult Court Jurisdiction Report CY 2024, <https://www.in.gov/cji/research/files/Juvenile-Waiver-Report-FINAL-2024.pdf>; Indiana Sheriffs' Association, 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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