

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

LS 6804

BILL NUMBER: HB 1183

NOTE PREPARED: Dec 29, 2025

BILL AMENDED:

SUBJECT: Digital Sexual Image Abuse.

FIRST AUTHOR: Rep. Haggard

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill increases the penalty for the crime of distribution of an intimate image, from a Class A misdemeanor to a Level 6 felony, and increases the enhancement of this crime from a Level 6 felony to a Level 5 felony.

The bill defines "digital sexual image" as a digital, computer generated image or video that is created or modified to depict: (1) sexual intercourse; (2) other sexual conduct; or (3) exhibition of certain body parts; of a quality, characteristic, or condition, such that it appears to depict an individual. It makes creation or possession of a digital sexual image a Class A misdemeanor and distribution of a digital sexual image a Level 6 felony.

Effective Date: July 1, 2026.

Explanation of State Expenditures: The bill could increase state expenditures, from the creation of new offenses and increase in penalty for an existing offense, if additional persons are committed to the Department of Correction (DOC).

A Level 6 felony is punishable by a prison term ranging between 6 to 30 months, with an advisory sentence of 1 year, and up to 50% credit time available. A Level 5 felony is punishable by a prison term ranging between 1 to 6 years, with an advisory sentence of 3 years, and up to 25% credit time available. The sentence depends on mitigating and aggravating circumstances. The incremental cost to house an adult offender is \$4,825 annually per prisoner (or \$13.22 daily) for medical care, food, and clothing. The incremental cost for juvenile facilities was \$8,986 annually (or \$24.62 daily).

Additional Information: The bill's largest impact on expenditures could be from the new offense, as it criminalizes the creation or possession, as well as the distribution, of computer-generated digital sexual images. *Creation or possession* of a digital sexual image is a Class A misdemeanor, enhanced to a Level 6 felony, with a prior conviction. *Distribution* of an intimate image (existing offense) or a digital sexual image (new offense) will be a Level 6 felony, enhanced to a Level 5 felony, with a prior conviction.

Since the enactment of SEA 243-2019, there have been a *total* of 91 misdemeanor cases with convictions for distribution of an intimate image (data through June 30, 2025). The number of convictions has increased from about 10 cases per year (from FY 2020 to FY2023) to 24 cases in FY 2024 and 29 cases in FY 2025. Under the bill, these charges would now be disposed as Level 6 felonies, rather than misdemeanors.

Additionally, there are 23 cases (about 4 annually) that include this misdemeanor conviction as well as felony conviction(s) for other offenses, mostly other Level 6 felonies. Therefore, the bill's impact on these cases will depend on sentencing.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the state General Fund (from court fees) and the Common School Fund (from fines) would increase. The total fee revenue per case would range between \$113 and \$138. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for all felony levels is \$10,000. 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: A Class A misdemeanor is punishable by up to one year in jail. Additionally, if more felony 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 result in guilty verdicts, certain local units will collect more 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: Department of Correction; Indiana Sheriffs' Association, Indiana Supreme Court, Indiana Trial Court Fee Manual; 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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