

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

LS 6799
BILL NUMBER: HB 1208

NOTE PREPARED: Dec 29, 2025
BILL AMENDED:

SUBJECT: Offender Against Children Residency Restrictions.

FIRST AUTHOR: Rep. Olthoff
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that an offender against children who: (1) is required to register as a sex offender for life; and (2) knowingly or intentionally resides within 500 feet of certain areas owned, maintained, and governed by a homeowners association or property owners association; commits a sex offender residency offense, a Level 6 felony. It also establishes the crime of interference with law enforcement, a Class B misdemeanor.

Effective Date: July 1, 2026.

Explanation of State Expenditures: *Department of Correction (DOC):* The number of new cases that could be prosecuted under this bill is expected to be minor. As a result, the bill will likely have minimal impact on state expenditures.

Between FY 2013 and 2025, OFMA found 96 persons have been convicted and sentenced for a sex offender residency offense for an average six persons per year. Of those who were convicted and sentenced for a Level 6 felony, 23% were confined in a DOC facility with an average sentence of 1.78 years.

Additional Information - 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. 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. 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

The entire Level 6 sentence may be suspended and the person placed on either probation or community correction. If no time is suspended, the offender can receive good time credit of 50% and educational credit time. After adjusting for credit time, the offender can be released from prison and placed on parole.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Level 6 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](#).

Interference with Law Enforcement: The bill could reduce revenue to the Common School Fund to the extent that more persons are sentenced for interfering with law enforcement, a Class B misdemeanor, rather than resisting law enforcement, a Class A misdemeanor. The maximum fine for a Class B misdemeanor is \$1,000, and the maximum fine for a Class A misdemeanor is \$5,000.

Explanation of Local Expenditures: This change would likely result in a minimal increase in the pretrial population and a decrease in community supervision.

Interference with Law Enforcement: The bill provides that a person who intentionally impedes, hinders, or delays an arrest, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties, commits interference with law enforcement, a Class B misdemeanor. This provision could reduce the number of individuals charged with and convicted of resisting law enforcement, a Class A misdemeanor. However, the actual impact will depend on local enforcement and prosecutorial decisions.

Additional Information - Under IC 35-44.1-3-1, a person who knowingly or intentionally forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties commits resisting law enforcement, a Class A misdemeanor.

Between CY 2020 and 2024, an average of approximately 1,392 individuals per year were convicted of resisting law enforcement, a Class A misdemeanor. Of those individuals, approximately 56% were likely confined in county jail or placed under community supervision (probation, community corrections, or both) for an average duration of 115 days.

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.

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.

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

Information Sources: 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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