

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

**LS 6693**  
**BILL NUMBER: HB 1249**

**NOTE PREPARED: Mar 2, 2026**  
**BILL AMENDED: Feb 27, 2026**

**SUBJECT:** Various Criminal Law Matters

**FIRST AUTHOR:** Rep. Zimmerman  
**FIRST SPONSOR:** Sen. Freeman

**BILL STATUS:** Enrolled

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

*Juvenile Waiver:* It specifies that a child charged with dangerous possession of a firearm may be tried by a juvenile court under certain circumstances. It makes dangerous possession of a firearm a Level 5 felony if the child: (1) has a prior conviction for unlawful carrying of a handgun; or (2) possesses the firearm on school property, within 500 feet of a school, or on a school bus.

*Minimum Imprisonment for OWI:* It provides that if a person has one prior OWI conviction, the court shall order that the person be imprisoned for at least 10 days or perform community service, and if a person has two prior OWI convictions, the court shall order that the person be imprisoned for at least 20 days or perform community service. It also provides (1) that a person receives good time credit while serving a sentence imposed under this statute (under current law, a person does not receive good time credit) and (2) this statute does not increase the maximum sentence for the offense as provided by either IC 35-50-2 or IC 35-50-3.

*Operating Motorboat While Intoxicated:* It specifies that "vehicle", for purposes of the crime of operating while intoxicated, includes a watercraft, and repeals the separate crime of operating a motorboat while intoxicated.

*License Suspension and Specialized Driving Privileges:* It provides that an initial hearing may be waived and allows a person to apply for a specialized driving privilege after an initial hearing. It specifies that ignition interlock devices may only be used when the underlying offense is operating while intoxicated resulting from the use of alcohol. It specifies that certain provisions do not prevent an otherwise eligible individual from applying for a specialized driving privilege after the initial hearing.

*Habitual Traffic Violator:* It adds operating while intoxicated due to use of a controlled substance to the habitual traffic violator statute. It also requires a law enforcement officer to offer a chemical test that includes a blood test to any person who the officer has reason to believe operated a vehicle that was involved in a fatal accident.

*Workplace Battery:* It increases the penalty for battery on certain health care employees and school employees.

*Public Safety Official:* It 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.

*Remote Aerial Harassment:* It provides that certain uses of a drone constitute remote aerial harassment.

*Residency Restrictions:* It specifies that certain individuals may not be subject to a county residency requirement, including a public defender (except for the chief public defender), court personnel, and a deputy prosecuting attorney.

*Railroad Crew:* It prohibits the release of personally identifying information concerning a railroad crew in a public report concerning a railroad fatality.

*Reporting:* It requires the employer of a health care or school employee who is the victim of battery to make a semiannual report to the Department of Labor concerning workplace batteries. It also repeals provisions that require: (1) the Department of Education to maintain a public data base concerning public school employees who were physically injured on the job by students; and (2) each public school to provide to the Department of Education information concerning certain public school employees physically injured on the job by a student.

**Effective Date:** Upon passage; July 1, 2026.

**Explanation of State Expenditures:** *Summary* - The bill makes various criminal law changes that would likely have minimal fiscal impact. The changes are as follows:

- It allows juveniles to be waived to adult court for dangerous possession of a firearm; and it makes the offense a Level 5 felony under certain circumstances which could slightly increase the Department of Correction (DOC) population while reducing the overall operating costs.
- It expands felony penalties for habitual traffic violators and certain OWI motorboat offenses which may lead to minor increases in DOC commitments, and related expenditures.
- It creates new penalties for remote aerial harassment, making unauthorized drone operation over another person's property a Class A misdemeanor or a Level 6 felony for repeat offenders, with defenses for mechanical failure or actions taken to prevent greater harm.
- It narrows when Department of Child Services (DCS) employees qualify as public safety officials, potentially reducing some felony battery prosecutions, though impacts are expected to be minimal.
- It also increases penalties for battery against a school and healthcare employee resulting in bodily injury, which could raise state incarceration costs if more offenders are sentenced to DOC or juveniles are waived to adult court and subsequently sentenced to DOC instead of county juvenile detention facilities for battery-related offenses.

The advisory sentence for a Level 6 felony is 1 year; for a Level 5 felony is 3 years; and for a Level 4 felony is 6 years. The average cost to house a person in an adult facility was \$30,674 and the average cost to house a juvenile in a juvenile facility is \$140,044. The incremental cost to house an adult offender is \$4,825 annually (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 -*

*Dangerous Possession of a Firearm:* Between FY 2020 and FY 2025, OFMA found a total of 27 juveniles that were either convicted or adjudicated for dangerous possession of a firearm. OFMA identified five cases between FY 2023 and FY 2025 in which juveniles were charged as adults with unlawful carrying of a handgun. In addition, between FY 2022 and FY 2025, OFMA identified 13 juvenile court filings for unlawful carrying as a Level 5 felony. This is an average of about three per year. It is unknown how many juveniles have a prior conviction for unlawful carrying of a handgun or possession of a firearm on school property.

*Habitual Traffic Violator (HTV):* HTV status is given based on the number of judgments (two, three, or ten) accumulated within a 10-year span from three categories of offenses, based on their seriousness. Persons with HTV status have their driving privileges suspended for a period of five years, ten years, or life. The bill adds operating a vehicle with a controlled substance in the blood to the HTV statute.

Misdemeanor convictions that involve operating a vehicle with the *presence* of a controlled substance in the blood (about 300 convictions each year) currently count in the least-serious category that requires 10 judgments in a 10-year span. The categories that require two or three judgments require intoxication, specified blood-alcohol levels, a felony conviction, or OWI resulting in death. This provision could increase the number of people with HTV status, and potentially increase the number of convictions for operating a vehicle under HTV status, a Level 6 felony (currently about 880 convictions each year, with 6.4% of those committed to the DOC).

*Consolidation of OWI Motorboat Offenses:* The bill may impact the class of misdemeanor or level of felony charged for OWI motorboat offenses. These convictions will also now be counted as prior OWI convictions for sentencing. However, on average, there are less than 40 total misdemeanor or felony convictions for OWI motorboat offenses, including cases in which the conviction is not the highest convicted charge. Therefore, the bill's impact may be minimal.

*Remote aerial voyeurism [IC 35-45-4-5(g)]* is currently punishable as a Class A misdemeanor but can be enhanced to a Level 6 felony. The Federal Aviation Administration (FAA) has specified that UAVs are prohibited from operating over critical infrastructure. Additionally, one of the most popular UAV manufacturers, DJI, utilizes flight software that will not allow UAV operation over FAA-designated controlled airspace. When an attempt is made to operate a UAV in, or within proximity to, these controlled airspaces, DJI flight software force-lands the UAV and prohibits operation.

*Public Safety Official:* 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 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.

<b>Total Persons Convicted of Battery of Public Safety Officials and Committed to DOC by Felony Level</b>					
	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

*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.

**Explanation of State Revenues: Summary** - The bill could impact revenue the state receives from court fees, fines, and judgments. Any impact on state revenue from these sources is expected to be minimal.

*Court Fees and Criminal Fines:* Revenue to the Common School Fund ( from criminal fines) and the state General Fund (from court fees) may increase. The maximum fine for a Class C misdemeanor is \$500, for a Class B misdemeanor is \$1,000, for a Class A misdemeanor is \$5,000, and for all felony levels is \$10,000. 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.](#)

*Additional Information* -

*Consolidation of OWI Motorboat Offenses:* Aligning OWI motorboat penalties with other OWI penalties would raise certain misdemeanors from Class C to Class A, and certain felonies from Level 5 to Level 4. Conversely, it would lower certain Level 6 felonies to Class A misdemeanors. Other misdemeanors or infractions may also be imposed. However, any impact should be minimal.

The bill could increase court fee revenue if there are more HTV violations or OWI motorboat offenses. Court fee revenue to the state General Fund is \$113 for cases filed in a municipal court and \$138 for cases filed

in a court of record. A misdemeanor may be filed in a court of record or a municipal court, but a felony must be filed in court of record. Alcohol- and drug-related fees could also minimally increase as they could now be imposed for OWI motorboat convictions.

**Explanation of Local Expenditures: Summary** - The bill would likely have minimal fiscal and workload impact on local units. The changes as follows:

- Under current law, juvenile cases waived to adult court may be tried by a jury which increases county costs.
- It increases the new minimum imprisonment requirements for OWI offenses, including OWI motorboat convictions, this could slightly increase jail or community corrections cost by extending sentences by approximately 5 to 10 days.
- It changes the definition of a public safety official which may reduce some felony charges to misdemeanors, slightly lowering workloads and costs for prosecutors and courts.
- It requires confidentiality protections for railroad crew information in facility reports, creating a minor administrative workload increase for local law enforcement agencies.
- It also requires a law enforcement officer to offer roadside chemical test that includes a blood test to any person who the officer has reason to believe operated a vehicle that was involved in a fatal accident. If this authorization prompts local decisions to purchase this equipment, expenditures could increase.

[The maximum term of imprisonment for a Class C misdemeanor is 60 days, for a Class B misdemeanor is 180 days, and for a Class A misdemeanor is up to one year in jail. The Gateway reports show that in CY 2023, housing offenders in 33 Indiana county jails cost an average of \$56 to \$79 per day.]

**Additional Information** -

*Roadside Chemical Test:* Some law enforcement agencies use a roadside chemical device called the SoToxa Mobile Test System which uses an oral fluid swab to detect the presence of six kinds of drugs: cocaine, methamphetamine, opiates, cannabis (THC), amphetamine and benzodiazepines. These units are approximately \$4,500 to \$5,000, with test cartridges costing around \$30 each.

*Minimum Imprisonment for OWI:* Under current law, a court must order a person convicted of a subsequent OWI offense to be incarcerated for a minimum number of days (or perform a certain number of community service hours). These days may not be suspended. The bill increases the number of mandatory days of incarceration from 5 days to 10 days for a person with one prior OWI conviction and from 10 days to 20 days for a person with two or more prior OWI convictions (no change to the number of community service hours as an option). It also specifies that the mandatory days cannot increase a maximum sentence for the offense.

*Juvenile Waiver:* Under current law, juvenile cases waived to adult court may be tried by a jury; jurors receive a per diem of \$80 per person (up to \$960 per day for a 12-person jury), and increasing to \$90 per day after the fifth day of trial.

*Residency Restrictions:* This provision will have no fiscal impact.

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

**Explanation of Local Revenues:** The bill could increase court fee revenue to local units if there are more cases of remote aerial harassment, HTV violations, or OWI motorboat charges. A misdemeanor may be filed in a court of record or a municipal court, but a felony must be filed in court of record. Alcohol- and drug-related fees could also minimally increase as they could now be imposed for OWI motorboat convictions.

If additional court actions result in a guilty verdict, 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; Department of Child Services; Department of Labor.

**Local Agencies Affected:** Courts with adult or juvenile jurisdiction; County public defender offices, county prosecuting attorneys, local law enforcement agencies; public schools; county or municipal hospitals, and local court personnel, local emergency medical service employees.

**Information Sources:** Department of Correction;  
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;  
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>.  
[https://events.in.gov/event/police\\_agencies\\_using\\_new\\_tool\\_to\\_combat\\_drug-impaired\\_driving](https://events.in.gov/event/police_agencies_using_new_tool_to_combat_drug-impaired_driving)  
<https://www.in.gov/cji/traffic-safety/impaired-driving/>  
<https://rules.incourts.gov/Content/criminal/rule2-3/current.htm>  
<https://www.in.gov/courts/files/order-rules-2023-0623-crim-proc.pdf>  
<https://www.in.gov/idoc/files/community-corrections/2025-procedural-bulletins/2025-Grant-Funded-Entities.pdf>  
FFY 2025 Federal Highway Administration state apportionment table;  
<https://www.federalregister.gov/documents/2022/02/18/2022-03172/drug-offenders-drivers-license-suspension23> USC subsection 163, <https://www.law.cornell.edu/uscode/text/23/163>  
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