

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

LS 6347
BILL NUMBER: HB 1299

NOTE PREPARED: Nov 28, 2025
BILL AMENDED:

SUBJECT: Surrender of Firearms for Domestic Violence Crimes.

FIRST AUTHOR: Rep. Smith V
FIRST SPONSOR:

ILL STATUS:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person who:

- (1) has been convicted of a crime of domestic violence; and
- (2) knowingly or intentionally possesses a firearm; commits a Class A misdemeanor.

This bill also requires a court to issue an order, upon entry of a judgment of conviction for domestic battery or a crime of domestic violence, that:

- (1) prohibits ownership or possession of a firearm;
- (2) requires the defendant to surrender:
 - (A) any firearm owned or possessed by the defendant; and
 - (B) any license or permit to carry a handgun (license) owned or possessed by the defendant; and
- (3) requires confiscation, within 72 hours, of any firearm or license owned or possessed by the defendant.

It also provides that a domestic batterer who knowingly or intentionally fails to surrender a certain firearm or license commits a Class A misdemeanor, enhanced to a Level 6 felony in specific instances. The bill specifies how a confiscated firearm or license shall be returned or disposed of if a person's right to possess a firearm is restored, specifies certain defenses, defines certain terms, and makes conforming amendments.

Effective Date: July 1, 2026.

Explanation of State Expenditures: *Firearms Surrender and Confiscation:* See *Explanation of Local Expenditures*.

Investigations and Prosecutions: See *Explanation of Local Expenditures*.

Penalty Provisions: 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 marginal cost for juvenile facilities was \$8,986 annually or \$24.62 daily in FY 2025.

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: *Fine and Fee Provisions:* 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 Class A misdemeanor is \$5,000, and 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](#).

Explanation of Local Expenditures: *Firearms Confiscation Orders:* This bill requires courts to issue confiscation orders to law enforcement officials. This increases workloads on courts but should be met within existing resources.

The bill requires law enforcement officials to confiscate and store or dispose of firearms in accordance with court orders. This will increase workload for law enforcement agencies, and the proper storage of firearms may require material improvements and procedural changes at agency facilities. Depending on the amount of firearms collected by a given agency under this policy, the bill's requirements may be outside of the agency's routine administrative functions, and existing staffing and resource levels, if currently being used to capacity, may be insufficient for full implementation.

Investigations and Prosecutions: This bill expands the statute prohibiting persons convicted of domestic violence charges from possessing a firearm. This may lead to an increase in investigations and prosecutions of prohibited persons, with associated increases in workload for police and prosecutors. Any such increase is within the routine functions of these entities and should be met within existing resources. [Federal law prohibits possession of a firearm by a person convicted of a felony or of a misdemeanor crime of domestic violence. Violators may receive sentences of up to 10 years in prison.]

Penalty Provisions: A Class A misdemeanor is punishable by 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. If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase.

Explanation of Local Revenues: *Court Fee Provisions:* 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: Department of Correction; U.S. Department of Justice Marshals Service; 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>; US Department of Justice "Quick Reference to Federal Firearms Laws", <https://www.justice.gov/file/411656/dl>.
<https://www.justice.gov/usao-sdwv/pr/doj-charges-500-domestic-violence-related-firearm-cases-fy20>

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