

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

LS 6394
BILL NUMBER: SB 73

NOTE PREPARED: Dec 1, 2025
BILL AMENDED:

SUBJECT: Masks at Public Assemblies.

FIRST AUTHOR: Sen. Byrne
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill makes wearing a mask at a public assembly a Class C misdemeanor, and increases the penalty to a Class A misdemeanor for a second or subsequent offense. It provides a defense under certain circumstances. The bill increases the penalty for rioting and disorderly conduct to a Level 6 felony if the offense is committed while wearing a mask.

Effective Date: July 1, 2026.

Explanation of State Expenditures: *Enhancement:* The bill enhances penalties for two existing offenses if committed while wearing a mask. It increases the penalty for rioting, if committed while wearing a mask, from a Class A misdemeanor to a Level 6 felony. It also increases the penalty for disrupting a lawful assembly, if committed wearing a mask, from a Class B misdemeanor to Level 6 felony.

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Level 6 felony is punishable by a prison term ranging between 6 to 30 months, with an advisory sentence of 1 year. The period of incarceration will depend upon mitigating and aggravating circumstances.

Additional Information – 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 incremental cost per offender for medical care, food, and clothing is approximately \$4,825 annually, or \$13.22 daily. 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: *New Offense:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would

increase. The maximum fine for a Class C misdemeanor is \$500 and a Class A misdemeanor is \$5,000. 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.](#)

Enhancement: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. However, any increase in revenue is likely to be small. The maximum fine for Class A and B misdemeanors are \$5,000 and \$1,000 respectively, while the maximum fine for a Level 6 felony is \$10,000. Court fees for both misdemeanors and felonies are the same

Explanation of Local Expenditures: *New Offense:* This bill creates a new misdemeanor that can be charged as a Class C misdemeanor for first-time violators and a Class A misdemeanor for repeat violations. A Class C misdemeanor is punishable by up to 60 days in jail, and a Class A misdemeanor is punishable by up to 1 year in jail.

Enhancement: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. However, any cost reduction is likely to be small. The maximum term of imprisonment for a Class A misdemeanor is up to one year.

[The Gateway reports show that in CY 2023, housing offenders in 33 Indiana county jails cost an average of \$56 to \$79 per day, while the average daily cost of community corrections supervision is \$10.96 and \$3.39 for probation supervision.]

Explanation of Local Revenues: *New Offense:* 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.](#)

Enhancement: Court fees for both misdemeanors and felonies are the same.

State Agencies Affected: Department of Correction.

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

Information Sources: Indiana Supreme Court, Indiana Trial Court Fee Manual; Department of Correction

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