

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

LS 6500
BILL NUMBER: SB 128

NOTE PREPARED: Dec 9, 2025
BILL AMENDED:

SUBJECT: Improper Supervision of a Dangerous Child.

FIRST AUTHOR: Sen. Niezgodski
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Enhancements for Battery:* The bill includes teachers in the definition of "public safety official" for purposes of certain battery offenses.

Improper Supervision of a Dangerous Child: The bill provides that, if a child commits an offense involving the use of a firearm or that results in bodily injury to another person on school property or a school bus, and the parent, guardian, or custodian of the child:

- (1) knew or reasonably should have known that the child intended to commit an unlawful act involving the use of a firearm or that might result in bodily injury to another person; and
- (2) failed to notify law enforcement;

the parent, guardian, or custodian commits improper supervision of a dangerous child, a Class A misdemeanor. It increases the penalty to a Level 6 felony if the act results in serious bodily injury to another person.

Effective Date: July 1, 2026.

Explanation of State Expenditures: *Summary:* The bill could potentially increase the Department of Correction (DOC) offender population. Additional expenditures could be small.

Public Safety Officials - Teachers: The bill makes battery a Level 6 or Level 5 felony instead of a Class B or Class A misdemeanor if the battery is committed against a teacher. As a result, the bill could increase state expenditures if more offenders are incarcerated in DOC rather than local jails, or if more juveniles are waived to adult court and subsequently sentenced to DOC instead of county juvenile detention facilities.

Improper Supervision of a Dangerous Child: The bill also creates the new criminal offense of improper supervision of a dangerous child, a Class A misdemeanor, which can be enhanced to a Level 6 felony if the child's act resulted in serious bodily injury to another person.

Additional Information: 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.

Battery Against Teachers - Adults: Each year, approximately 400 battery convictions are classified as Class B misdemeanors and about 640 as Class A misdemeanors, though it is not known how many of these involved offenses against a teacher and could potentially be enhanced. The number of individuals convicted of battery against a public safety official as a Level 5 or Level 6 felony is shown below; however, the number who would receive a higher sentence under this bill is not known or currently available.

Total Persons Convicted of Battery of Public Safety Officials by Felony Level					
	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Level 5	197	240	192	207	206
Level 6	612	746	715	725	670
Grand Total:	809	986	907	932	876

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.

Total Persons Convicted of Battery of Public Safety Officials and Committed to DOC by Felony Level					
	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

The advisory sentence for a Level 6 felony is 1 year and for a Level 5 felony is 3 years. The sentence depends on mitigating and aggravating circumstances. The incremental cost to house an adult offender is \$4,825 annually per prisoner for medical care, food, and clothing.

Battery Against Teachers - 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 Teachers - 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. 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.

Explanation of State Revenues: Court fee revenue would increase if additional court cases occur from the new criminal offense. Revenue may also increase if some enhanced felony cases are filed in a court of record (circuit or superior) rather than a municipal court. A misdemeanor may be filed in a court of record or a municipal court, but a felony must be filed in court of record. 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.

Revenue to the Common School Fund may also increase if more, or larger, fines are collected. The maximum fine for a Class B misdemeanor is \$1,000 and for a Class A misdemeanor is \$5,000, while the maximum fine for a Level 6 felony 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: Changing the definition of public safety official could raise the misdemeanor to a felony in certain cases, as well as, increase the workload for prosecuting attorneys and other officers of the court. Additionally, if more felony defendants are detained in county jails prior to their court hearings, for the new offense or the enhanced battery offense, local expenditures for jail operations may increase. However, any fiscal impact would depend on local action.

If an offender is sentenced to state prison rather than to a county jail or juvenile detention facility, the costs to the county may be reduced. The maximum term of imprisonment for a Class B misdemeanor is 180 days and 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: Court fee revenue would increase to certain local units if additional court cases occur from the new criminal offense. Additionally, if some enhanced felony cases are filed in a court of record (circuit or superior) rather than a municipal court, revenue would increase to counties, but would decrease to municipalities. A misdemeanor may be filed in a court of record or a municipal court, but a felony must be filed in court of record.

If the case is filed in a municipal court, the county receives \$30, and the municipality will receive \$46. 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. 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.

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

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>;

<https://www.in.gov/doe/files/Employee-Injury-Data-Reporting-SY2025.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>.

Fiscal Analyst: Heather Puletz, 317-234-9484; Corrin Harvey, 317-234-9438.