

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

LS 6923

BILL NUMBER: SB 190

NOTE PREPARED: Dec 31, 2025

BILL AMENDED:

SUBJECT: Crimes Concerning Gift Cards.

FIRST AUTHOR: Sen. Carrasco

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill establishes the offenses of gift card theft, a Class A misdemeanor, and gift card fraud, a Level 6 felony.

Effective Date: July 1, 2026.

Explanation of State Expenditures: *Gift Card Fraud:* An individual who knowingly or intentionally creates or possesses a counterfeit gift card; places a counterfeit gift card in a retail location where a consumer would customarily purchase gift cards; or tampers with a gift card or gift card redemption information commits gift card fraud, a Level 6 felony. If the individual has a prior unrelated conviction, the offense is elevated to a Level 5 felony.

A Level 5 felony is punishable by a prison term ranging from 1 to 6 years, with an advisory sentence of 3 years. A Level 6 felony is punishable by a prison term ranging from 6 to 30 months, with an advisory sentence of 1 year. In each case, the specific sentence depends on mitigating and aggravating circumstances.

Both Level 5 and Level 6 sentences may be suspended and the person placed on either probation or community corrections. If no time is suspended, the offender can receive good time credit of 25% for a Level 5 felony and 50% for a Level 6 felony and educational credit time. After adjusting for credit time, the offender can be released from prison and placed on parole.

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.

Explanation of State Revenues: If more court cases occur, fines would increase revenue for the Common

School Fund and the state General Fund. 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: *Gift Card Theft:* An individual who knowingly or intentionally exerts unauthorized control over a gift card or gift card redemption information commits gift card theft, a Class A misdemeanor. If the individual has a prior unrelated conviction, the offense is elevated to a Level 6 felony. A Class A misdemeanor is punishable by up to one year in jail.

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 Correction; 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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