

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

LS 6917
BILL NUMBER: SB 261

NOTE PREPARED: Jan 5, 2026
BILL AMENDED:

SUBJECT: Criminal Vandalism.

FIRST AUTHOR: Sen. Young M
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

It renames the crime of "criminal mischief" to "criminal vandalism".

It repeals: (1) institutional criminal mischief; (2) cemetery mischief; (3) railroad mischief; and (4) critical infrastructure facility mischief; places them in the "criminal vandalism" statute, and preserves the original penalties and defenses.

It repeals and places provisions involving damage to a cave in the criminal vandalism statute.

It repeals and places provisions involving depositing refuse in a cave in the littering statute.

It also makes conforming amendments.

Effective Date: July 1, 2026.

Explanation of State Expenditures:

Explanation of State Revenues: *Cave Littering:* This provision will likely have little or no effect on state or local revenue because no one has been convicted of cave littering (IC 35-43-1-3) as a Class C misdemeanor since FY 2013.

Revenue to the Common School Fund may be reduced if an infraction judgment rather than a fine is assessed, but revenue to the state General Fund may increase. (Fines are deposited in the Common School Fund, while infraction judgments are deposited in the state General Fund.) Currently, the maximum fine for a Class C infraction and a Class C misdemeanor is \$500. Any decrease in revenue is expected to be very minimal, if any.

Court Fees: Revenue from court fees may also be reduced. The court fee for a misdemeanor is \$120, while

the criminal costs fee for an infraction is \$70. The state receives 70% of the court fee that is assessed when a guilty verdict is entered and the fee is collected in a court of record and 55% if a case is filed in a city or town 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: *Penalty Provisions:* Costs to local governments might be reduced since no term of imprisonment is imposed for a Class C infraction. [A Class C misdemeanor is punishable by up to 60 days 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, while the average daily cost of community corrections supervision is \$10.96 and \$3.39 for probation supervision.]

Explanation of Local Revenues: The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. 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:

Local Agencies Affected: All courts; trial courts; local law enforcement agencies.

Information Sources: IC 35-43-1-2; IC 35-46; 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>.

Fiscal Analyst: Corrin Harvey, 317-234-9438.