

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

LS 6544
BILL NUMBER: SB 290

NOTE PREPARED: Jan 1, 2026
BILL AMENDED:

SUBJECT: Sex with a Minor.

FIRST AUTHOR: Sen. Bohacek
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill adds the criminal offense of sex with a minor, which is committed when a person who is at least: (1) 24 years of age and who engages in sexual intercourse or other sexual conduct, fondling, or touching with a child who is 16 years of age; or (2) 25 years of age and who engages in sexual intercourse or other sexual conduct, fondling, or touching with a child who is 16 or 17 years of age.

It also makes conforming amendments.

Effective Date: July 1, 2026.

Explanation of State Expenditures: *Summary* - The bill would create two new felony offenses: (1) a Level 5 felony for a person at least 24 or 25 years of age who engages in sexual intercourse or other sexual conduct with a child between the ages of 16 and 18, and (2) a Level 6 felony for a person at least 24 or 25 years of age who fondles or touches a child between the ages of 16 and 18 with the intent to arouse or satisfy sexual desires. OFMA cannot estimate the number of individuals who may be convicted and sentenced for these new offenses; however, the bill would likely result in a minor increase in the Department of Correction (DOC) offender population.

Adding these new crimes could increase the population of DOC facilities, add workload to DOC's staff who operate the state's Sex and Violent Offender Registry, affect the offender population in community transition programs and on parole, possibly increase the workload of hospitals that provide forensic services to victims of certain sex crimes and add new reporting requirements for operators of foster homes.

Statute of Limitations: The bill expands the list of offenses that are required to be filed before the victim reaches 31 years of age unless the state discovers either DNA evidence, the existence of a recording, or the defendant confesses to the offense. Any increase in DOC's offender population due to this provision is expected to be minor.

Additional Information - Between FY 2020 and FY 2025, on average, 168 individuals have been convicted and sentenced for sexual misconduct with a minor and 358 individual have been convicted and sentenced

for child molesting. Of those individuals, 59% were convicted and sentenced for sexual misconduct with a minor as a Level 5 felony were committed to a DOC facility for a portion of their sentence, and 6% of those who were convicted and sentenced for a Level 6 felony were committed to a DOC facility. If the number of persons who are convicted of the new offenses added by this bill is similar to the number that were convicted and sentenced for a Level 5 sexual misconduct with a minor, it is likely that fewer than 100 new offenders would be committed to DOC.

Effect on Sex Offender Management and Monitoring: Adding these new crimes could increase the number of individuals who would be required to register as a sex or violent offender, increasing the workload of the DOC staff who operate the Indiana Sex and Violent Offender Registry.

Effect on Parole Programs: Parolees who are sex offenders would not be permitted to own, operate, manage, be employed by or volunteer at any attraction enjoyed by children less than 18 old. Parolees would commit a technical violation and could potentially be recommitted to a DOC facility.

Foster Homes: A licensee of a foster home would be required to contact the Division of Child Services if a foster child less than 18 years old is the victim of sexual contact under this bill.

Effect on DOC Facilities: 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 between 6 months and 2.5 years and 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 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 sentence for either a Level 5 or Level 6 felony 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% and educational credit time for a Level 5 felony and good time credit of 50% for a Level 6 felony. After adjusting for credit time, the offender can be released from prison and placed on parole.

Explanation of State Revenues: 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 any felony is \$10,000. Criminal fines are deposited into the Common School Fund and the state General Fund (from court fees) would increase.

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: *Effect on Jails:* 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.

Effect on County Sheriffs: Adding these new crimes could increase the number of individuals who would be required to register as a sex or violent offender. This would increase the workload on county sheriffs who monitor sex offenders at the county level.

Effect on Certain Hospitals: Individuals who are victims of either sex with a minor crime would be eligible for forensic medical exams and additional forensic services under this bill.

Trials Courts: To the extent that additional petitions for sentence modification are filed following the completion of court-ordered sex offender treatment, the bill could increase the court's workload. However, the court should be able to manage this increase using existing resources.

Reasonable Efforts & Adoption Petitions: To the extent that reasonable efforts and consent for adoption are not required from certain individuals, the bill could expedite permanency hearings and adoption proceedings. However, the overall impact will depend on local actions.

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.](#)

Community Transition Programs: Individuals who are assigned to Community Transition Programs at the county level and communicate on social media with a child between the ages of 16 and 18 could be committing a technical violation.

State Agencies Affected: Department of Correction; Department of Child Services.

Local Agencies Affected: Trial courts; local law enforcement agencies, community correction agencies, probation departments, county hospitals.

Information Sources: Indiana Sheriffs' Association, Indiana Supreme Court, Indiana Trial Court Fee Manual; Department of Corrections; Indiana Gateway for Government Units, 2023 Annual Financial Reports, <https://gateway.ifonline.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.