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FISCAL IMPACT REPORT

SPONSOR Rainaldi DATE TYPED 2/23/05 HB _____

SHORT TITLE Amend Indian Arts & Crafts Sales Act SB 1023

ANALYST Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			Minimal		

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

Senate Bill 1023 amends the Indian Arts and Crafts Sales Act. By making it a requirement of each person involved with commercial transactions with any Indian style article to clearly and conspicuously label each and all such articles as not authentic Indian arts and crafts.

This bill extends the enforcement jurisdiction of either the attorney general or a district attorney to both civil and criminal proceedings.

If the court finds that a person is willfully using or has willfully used a method, act or practice declared unlawful by the Indian Arts and Crafts Sales Act, the civil penalty is raised from not to exceed \$5 hundred to not to exceed \$5 thousand.

Any person willfully and knowingly violating the provisions of the Indian Arts and Crafts Sales Act is guilty of:

- A petty misdemeanor when the violation involves property valued at less than \$1 hundred instead of the previous \$2.5 thousand
- A misdemeanor when the violation involves property valued at or in excess of \$1 hundred instead of the previous \$2.5 thousand.

- A fourth degree felony when the violation involves property valued at or in excess of \$2.5 hundred and less than \$2.5 thousand instead of the previous requirement of property valued in excess of \$20 thousand.
- A third degree felony when the violation involves property valued at or in excess of \$2.5 thousand and less than \$20 thousand.
- A second degree felony when the violation involves property valued at or in excess of \$20 thousand. Anyone found guilty of this crime shall be punished by a fine of not less than \$5 hundred per violation per day, up to a maximum fine of \$10 thousand or up to nine years in prison.

The bill also clarifies and strengthens private right of action damages.

Significant Issues

This bill strengthens the Indian Arts and Crafts Act by providing increasing penalties and clarifying definitions of violations. The bill lowers the amount required to permit the attorney general or a local district attorney to begin prosecution.

FISCAL IMPLICATIONS

There will be a cost for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced proceedings. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

ADMINISTRATIVE IMPLICATIONS

This bill will increase the workloads of the public defenders and the district attorneys as well as law enforcement and judicial personnel.

DW/lg