

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

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6911**

**BILL NUMBER: HB 1210**

**DATE PREPARED: Mar 2, 1999**

**BILL AMENDED: Mar 1, 1999**

**SUBJECT:** Neglect of a dependent.

**FISCAL ANALYST:** Mark Bucherl

**PHONE NUMBER:** 232-9869

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill increases the penalty for neglect of a dependent from a Class D felony to a Class B felony if the offense involves: (1) placing the dependent in a situation that may endanger the dependent's life or health; or (2) abandoning or cruelly confining the dependent. It raises the penalty for neglect of a dependent arising from depriving a dependent of necessary support from a Class D felony to a Class C felony if it results in bodily injury and to a Class B felony if it results in serious bodily injury. It adds a conviction of a child's parent, guardian, or custodian for neglect of a dependent as a Class B or Class C felony to the list of convictions for offenses in which reasonable efforts to reunify a child with the child's parent, guardian, or custodian or to preserve the child's family are not required. It also increases the penalty for neglect of a dependent to a Class A felony when the offense results in death.

This bill provides that commission of a neglect of a dependent as a Class A or Class B felony may be grounds for a school not to employ an individual or as grounds for not requiring the consent of the individual for an adoption. It also makes a conforming change.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** (Revised) This bill enhances certain penalty provisions for neglect of a dependent from its current Class D felony. State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. The following represents current DOC incarceration statistics for these crimes.

<u>Felony</u>	<u>Prison Term</u>	<u>Avg Time Served</u>
Class A	20 to 50 years	7 yrs., 10 mos.
Class B	6 to 20 years	3 yrs., 2 mos.
Class C	2 to 8 years	1 yr., 7 mos.
Class D	6 mos. to 3 years	7 mos.

The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The following represent DOC incarceration rates for the current crimes.

<u>Number of Individuals Incarcerated for Felony Crimes</u>	<u>FY 97</u>	<u>Five Yr. Average</u>
Class D Neglect Of Dependent	7	7
Class B Neglect Of A Dependent	10	8

**Explanation of State Revenues:** No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for all felonies.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** No additional revenues would be expected since the court fee for felonies is \$120.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.