

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

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6190

BILL NUMBER: HB 1305

DATE PREPARED: Nov 4, 1998

BILL AMENDED:

SUBJECT: Trafficking with an inmate.

FISCAL ANALYST: Mark Bucherl

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FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill allows a court to consider a person's employment at a penal facility as an aggravating circumstance or as favoring consecutive terms of imprisonment if the person committed trafficking with an inmate. It also makes trafficking with an inmate a Class B felony instead of a Class C felony if the offense involves a deadly weapon.

Effective Date: July 1, 1999.

Explanation of State Expenditures: Aggravating circumstances and consecutive sentences are considered by the court when determining prison terms. These may cause Department of Correction (DOC) employees convicted of trafficking to serve longer terms in prison. Also, raising the trafficking of a deadly weapon to a Class B felony will increase the length of imprisonment for those convicted of this offense.

A Class C felony is punishable by a prison term ranging between 2 to 8 years. A Class B felony is punishable by a prison term ranging from 6 to 20 years. The average length of stay in DOC facilities for all Class C felony offenders is approximately one year, seven months. The average stay for Class B felony offenders is about three years, two months. 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.

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 either Class C or B felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues: No additional revenues would be expected since the court fees for Class

C and Class B are both \$120.

State Agencies Affected: Department of Correction.

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

Information Sources: Indiana Sheriffs Association, Department of Correction.