

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

301 State House
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FISCAL IMPACT STATEMENT

LS 6190

BILL NUMBER: HB 1305

DATE PREPARED: Mar 26, 1999

BILL AMENDED: Mar 25, 1999

SUBJECT: Trafficking with an inmate.

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) (A) 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.

(B) This bill allows a person confined by the Department of Correction to earn additional credit time for the completion of a vocational education program or substance abuse program approved by the department. Requires earned credit time to be subtracted from the offender's minimum release date. (Current law provides for earned credit time to be subtracted from the sentence imposed for the offense by the court.) It eliminates the enhanced penalty for trafficking in a controlled substance or deadly weapon with an inmate. It also repeals a provision that allows a trial court to reduce the sentence of an offender who completes a vocational education program, a substance abuse program, or another educational program other than one leading to a GED, a high school degree, an associate's degree, or a bachelor's degree.

(C) This bill applies the crime of trafficking with an inmate to a violation that occurs in a juvenile facility.

Effective Date: July 1, 1999.

Explanation of State Expenditures: (Revised) (A) Aggravating circumstances and consecutive sentences are considered by the court when determining prison terms. These may cause Department of Correction (DOC) employees convicted of committing a felony, which also involved trafficking with an inmate, to serve longer terms in prison.

(B) Passage of this provision could reduce incarceration costs for the DOC if additional offenders enroll in education and substance abuse programs and fulfill sentence reduction requirements.

This provision eliminates the Class C felony provision for trafficking with an inmate. Two persons were

sentenced to DOC for C felony trafficking with an inmate in FY 1997. For offenders housed in existing facilities, with no additional staff needs, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner.

Passage of this provision should require no additional teaching or counseling staff. (Educational credit time legislation, established in FY 94, has created no apparent increase in prisoners enrolling in educational programs.) In FY 98, 1,509 offenders in DOC facilities completed applicable education programs, including 125 associate and bachelors degrees, 758 GEDs and 107 high school diplomas. It is estimated that approximately 4,000 (60%) of offenders admitted to substance abuse programming in CY 97 successfully completed these programs.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) (A) Aggravating circumstances and consecutive sentences may affect lengths of county jail sentencing for penal employees convicted of other misdemeanor offenses that also involved trafficking with an inmate.

(B) This provision removes the requirement that courts make written responses to petitions for reduction of sentence. This may reduce the administrative work undertaken in response processing and the subsequent hearings which might have been granted.

(C) This provision's new Class A misdemeanor provision may cause additional offenders to be incarcerated in county jails. A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44

Explanation of Local Revenues: (Revised) (C) If additional court actions occur and guilty verdicts are entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 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. (2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

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

Information Sources: Indiana Sheriffs Association; Planning Division, Department of Correction.