

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

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7513**

**BILL NUMBER: HB 1419**

**DATE PREPARED: Mar 2, 1999**

**BILL AMENDED: Mar 1, 1999**

**SUBJECT:** Penalty enhancements for offenses near schools.

**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 battery from a Class A misdemeanor to a Class D felony if the offense is committed against an employee of a school corporation who is on, in, or within 1,000 feet of school property.

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

**Explanation of State Expenditures:** (Revised) This bill creates a new enhanced provision under which a Class D felony may be charged. A Class D felony is punishable by a prison term ranging from 6 months to 3 years or reduction to Class A misdemeanor. Prison terms depend upon mitigating and aggravating circumstances. State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. 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 per offender for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily. The average length of stay in DOC facilities for all Class D felony offenders is approximately seven months.

**Explanation of State Revenues:** More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000 while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

**Explanation of Local Expenditures:** If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

**Explanation of Local Revenues:** Court fees for both misdemeanors and felonies are \$120.

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

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

**Information Sources:** Indiana Sheriffs Association.