

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

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 7228**

**BILL NUMBER: HB 1903**

**DATE PREPARED: Jan 22, 1999**

**BILL AMENDED:**

**SUBJECT:** Juvenile and criminal matters.

**FISCAL ANALYST:** Mark Bucherl

**PHONE NUMBER:** 232-9869

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

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that whenever the Department of Correction notifies a court that awarded guardianship of a child to the Department of the Department's decision to release the child from custody, the court may request that the Department reconsider its decision, provided that the court's request is submitted in writing within a specified period. It also requires the Department of Correction to notify the court of its final decision regarding the child's release not more than ten days after the Department receives the court's request to reconsider.

This bill allows a court to impose certain reasonable conditions upon a child's actions or behavior, including home detention, electronic monitoring, curfew restrictions, and other specified reasonable conditions, before releasing from custody a child who is alleged to be a delinquent child. It adds attempt of certain serious offenses to the list of offenses for which a court may award guardianship of a child to the Department of Correction. It also makes the possession of cocaine or a narcotic drug while also in possession of a firearm a nonsuspendible Class C felony.

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

**Explanation of State Expenditures:** This bill enhances a Class D possession felony to a nonsuspendible C felony. State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. A Class D felony is punishable by a prison term ranging between 6 months to 3 years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from 2 to 8 years (the minimum, nonsuspendible sentence is 4 years). 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 average length of stay in DOC facilities for all Class C felony offenders is approximately one year, seven months.

The Department of Correction will incur negligible additional costs for processing court requests to reconsider releasing children from its guardianship.

**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 D or C felonies.

**Explanation of Local Expenditures:** Courts are authorized by this bill to impose various conditions on release of juvenile offenders. These services are currently available for persons assigned to probation and some are supported by user fees (e.g., up to \$7.40 a day for home detention with electronic monitoring). Any additional court costs would be dependent on the number of cases (and probation officer involvement), conditions imposed and ability to pay.

**Explanation of Local Revenues:** No additional revenues would be expected since the court fees for Class D and Class C 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; 1998 Home Detention Report, Indiana Judicial Conference.