

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

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6347

BILL NUMBER: SB 41

DATE PREPARED: Nov 16, 1998

BILL AMENDED:

SUBJECT: Misdemeanor probation.

FISCAL ANALYST: Mark Bucherl

PHONE NUMBER: 232-9869

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill specifies that the authority of a court to suspend the sentence for a misdemeanor and place the convicted person on probation for up to one year applies to persons convicted of any class of misdemeanor.

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: County probation offices may experience additional operations costs due to longer probation periods for some offenders. This provision addresses case law which has interpreted the current statute to mean that the possible probation period for convicted Class B and C misdemeanants can be a maximum length of 180 and 60 days, respectively. This bill would allow probation to be assigned for up to one year for all misdemeanor offenses.

This bill would also give judges the option to assign a longer probation period for B and C misdemeanants in lieu of jail sentencing, resulting in incarceration savings. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: Offenders assigned extended periods of probation would likely pay probation user fees for a longer period of time.

State Agencies Affected:

Local Agencies Affected: Probation departments.

Information Sources: Indiana Supreme Court case Smith v. State, 621 N.E.2d 325, September 28, 1993;
Indiana Sheriffs Association.