

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

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**FISCAL IMPACT STATEMENT**

**LS 6368**  
**BILL NUMBER: SB 47**

**DATE PREPARED:** Mar 26, 1999  
**BILL AMENDED:** Mar 25, 1999

**SUBJECT:** Community corrections programs.

**FISCAL ANALYST:** Mark Bucherl  
**PHONE NUMBER:** 232-9869

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

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill provides that the law concerning direct placement in community corrections programs applies to the sentencing of a person convicted of: (1) a misdemeanor whenever any part of the person's sentence may not be suspended; and (2) an offense under IC 9-30-5 (operating a vehicle while intoxicated—OWI).

**Effective Date:** (Amended) Upon passage.

**Explanation of State Expenditures:** (Revised) Community corrections programs entail a variety of services operated among 60 counties that receive funding from the state General Fund appropriation for community corrections grants (\$12.6 M in FY 99).

In allowing persons convicted of multiple OWI felonies to serve in community corrections, this bill may cause fewer persons to serve the current mandatory time in DOC facilities (the impact is dependent on the number of felons convicted of previous OWI offenses, which is not available). The following figures apply:

<u>Number of Individuals Incarcerated for Felony Crimes</u>	<u>FY 97</u>	<u>Five Yr. Average</u>
Class D Driving While Intoxicated (at least one previous conviction)	599	433
Class D Driving While Intoxicated Resulting In Serious Bodily Injury	18	19
Class C Driving While Intoxicated Resulting In Death	20	26

OWI Class D felons serve one year and one month, on average. Class C felons serve an average two years, eight months. The FY 1998 average annual cost to house adult offenders was \$17,500, with individual facility costs ranging from \$12,000 to \$29,400.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) This bill would apply to persons convicted of nonsuspendible misdemeanor and certain felony OWI offenses (above) who could otherwise not be directly placed in a community corrections program. Currently, there is only one nonsuspendible misdemeanor in statute: the Class A misdemeanor of operating a motor vehicle with a suspended or revoked driving license. Information is unavailable on the number of these offenses which occur in Indiana. About 4,600 Class A misdemeanor cases and 7,000 Class C and D felony cases made up the majority of the 14,600 community corrections cases, statewide, as of June 30, 1998 (no specific sentence data is available).

Depending on the number of OWI felony cases which may be assigned to community corrections, this bill may increase demand for services. Community corrections programs currently include court-ordered work release/residential confinement, home detention and electronic monitoring, restitution programming and victim offender mediation. These services are also supported by user fees (ranging on average from less than one dollar (mediation) to \$13.80 a day (electronic monitoring)). Counties participating in community corrections programs pay certain overhead costs (often office space and materials) for these programs.

**Explanation of Local Revenues:**

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

**Local Agencies Affected:** Entities operating county community corrections programs.

**Information Sources:** Planning Division, Department of Correction.