

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

301 State House
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FISCAL IMPACT STATEMENT

LS 6314
BILL NUMBER: SB 96

DATE PREPARED: May 3, 1999
BILL AMENDED: Apr 29, 1999

SUBJECT: Penalties for criminal offenses; credit time for inmates.

FISCAL ANALYST: Mark Bucherl
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FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (CCR Amended) (A) This bill provides that a rebuttable presumption that a court shall limit the noncustodial parent's visitation with the child to supervised visitation for a specified period is created if the court finds that a noncustodial parent has been convicted of a domestic battery that was witnessed or heard by the noncustodial parent's child. It also enhances the penalty for trafficking with an inmate from a Class A misdemeanor to a Class C felony when the article delivered, carried, or received by the inmate is a controlled substance or a deadly weapon.

(B) This bill requires that credit time earned for completion of an educational, a vocational, or a substance abuse program may be subtracted from the release date that would otherwise apply to an inmate only if a portion of the program is completed after June 30, 1999.

Effective Date: July 1, 1999.

Explanation of State Expenditures: (Revised) (A) This provision establishes a new Class C felony provision for trafficking with an inmate in juvenile facilities. State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail for a Class A misdemeanor. (Two persons were sentenced to DOC for C felony trafficking with an inmate in FY 1997 in adult facilities.) A Class C felony is punishable by a prison term ranging between 2 to 8 years. The average length of stay in DOC facilities for all Class C felony offenders is approximately one year, seven months. 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.

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

Passage of this bill 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: (Revised) (A) 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 C felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: (Revised) (A) 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: Planning Division, Department of Correction; Indiana Sheriffs Association.