

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

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6920
BILL NUMBER: SB 349

DATE PREPARED: Dec 29, 1999
BILL AMENDED:

SUBJECT: Methamphetamine and neighborhood impact.

FISCAL ANALYST: Mark Bucherl
PHONE NUMBER: 232-9869

FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (A) This bill makes the criminal penalties for offenses relating to cocaine equivalent to the penalties for offenses relating to methamphetamine. It also makes conforming changes to other statutes relating to cocaine and narcotic drug offenses to incorporate offenses relating to methamphetamine, including: (1) specifying that a juvenile court does not have jurisdiction over a person for allegedly dealing in methamphetamine; (2) providing that if a person commits possessing or dealing in methamphetamine, certain occupational and professional licenses and certifications held by the person may be revoked or suspended; and (3) providing that certain property used by the person to commit the offense may be seized.

(B) This bill allows a court to consider a neighborhood impact statement when sentencing a person for a controlled substance offense. The bill also describes the components of a neighborhood impact statement.

Effective Date: July 1, 2000.

Explanation of State Expenditures: (A) This bill allows the revocation or suspension of licenses or certificates from persons for possession or dealing of methamphetamine. Boards, commissions and committees functioning within the Health Professions Bureau and Professional Licensing Agency will experience a negligible impact due to this provision.

This bill creates new provisions for Class A, B, C & D felonies. Prison terms for these felonies depend upon mitigating and aggravating circumstances. This bill adds dealing in methamphetamine as an aggravating circumstance considered in prison sentencing and an offense for which the court may not suspend a sentence below the minimum assigned. It also adds dealing in methamphetamine as a requisite act in a murder charge. The average expenditure to house an adult offender was \$17,500 in FY 1998. Individual facility expenditures range from \$11,900 to \$29,400. (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 following prison terms apply.

<u>Felony</u>	<u>Prison Term</u>	<u>Avg Time Served</u>
Class A	20 to 50 years	8 yrs., 4 mos.
Class B	6 to 20 years	3 yrs., 7 mos.
Class C	2 to 8 years	2 years
Class D	6 mos. to 3 years	10.5 mos.
Murder*	45 to 65 years	16 yrs., 11 mos

*the average murder sentence served is based on 20 FY 1999 releases

This bill provides for life imprisonment without parole or the death penalty for the crime of murder involving dealing methamphetamine. (Death penalty case appeals may involve expenditures by state entities, including: (1) the Office of Attorney General and (2) the State Public Defender's Office.)

This bill adds another crime to those considered in the definition of a “racketeering activity.” Persons engaged in racketeering activity may be convicted of corrupt business influence, a Class C felony (four persons were sentenced to a DOC facilities for this crime in FY 1999).

(B) In considering a neighborhood impact statement presented by the prosecution, the court may be inclined to extend a felony sentence for a controlled substance offense, thereby increasing the term served in prison as well as the total cost. There are numerous controlled substance offenses ranging from Class A through Class D felonies.

Explanation of State Revenues: (A) If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund could increase. The maximum fine for all felonies is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county courts. 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

In addition, persons convicted of a drug related offense may also be liable for a drug abuse, prosecution, interdiction and correction fee ranging between \$200 and \$1,000. The revenue collected from this fee is deposited in the state user fee fund and distributed to state and local programs.

Explanation of Local Expenditures: (A) This bill eliminates juvenile court jurisdiction for violations involving dealing in methamphetamine. This may minimally increase adult court expenditures for processing these cases.

Local expenditures may increase if more death penalty cases are filed due to this bill. Research indicates that the trial and appeals costs for death penalty cases can be two to three times more than the current range of \$37,000 and \$90,000 spent to impose prison sentences. (Death penalty case costs are further inflated due to additional police investigation and court time, prosecution resources, or the costs of a lengthy jury trial with a sequestered jury.)

(B) There are several controlled substance misdemeanor offenses, ranging from Class A through C, whose sentences may be extended, based on court consideration of this provision. The daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: (A) This bill allows the seizure of property, vehicles, money, negotiable instruments, etc. involved in the possession or dealing in methamphetamine. Items seized by police may be sold, and the proceeds deposited to the state General Fund, the unit that employed the local law enforcement officers and/or the Common School Fund, depending on the value of the sale proceeds.

If additional court actions occur and guilty verdicts are entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

In addition, if a person is convicted of a drug related offense, a sentencing court may assess a marijuana eradication fee of not more than \$300, if the county has established a Weed Control Board. The court may also assess an alcohol and drug services program fee of not more than \$300 if a local government has established an alcohol and drug services program. Revenue collected from the marijuana eradication fee is deposited into the county user fee fund. Revenue collected from the alcohol and drug services program fee is deposited in the county or city or town user fee fund.

State Agencies Affected: Department of Correction; Emergency Medical Services Commission; Health Professions Bureau; Professional Licensing Agency.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Department of Correction; Indiana Sheriffs Association.