

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

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7142
BILL NUMBER: SB 433

DATE PREPARED: Jan 5, 2000
BILL AMENDED:

SUBJECT: Community transition program.

FISCAL ANALYST: Mark Goodpaster
PHONE NUMBER: 232-9852

FUNDS AFFECTED: **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

(A) It terminates the authority of the Department of Correction to assign to a community transition program an offender against whom a court imposed a sentence of less than two years. It provides that an offender who resides outside of Indiana is not eligible for a community transition program.

(B) It provides that a person assigned to a community transition program is responsible for the person's own medical care while in the program. It provides that if the person is unable to pay for the person's necessary medical care, the Department of Correction is responsible for the medical care. It allows the Department to return an offender to a facility operated by the Department of Correction for necessary medical care.

(C) It requires an offender to agree in writing: (1) to abide by the rules and conditions of the community transition program; and (2) to voluntarily participate in the program; before the offender may be allowed to participate in the program.

(D) It requires the community corrections program, upon a finding of probable cause that the offender failed to comply with a rule or condition of the program, to cause the Department to: (1) immediately return the offender to the department; (2) deprive the offender of any credit time earned while placed in the program; and (3) reassign the offender to a program or facility administered by the department.

(E) It allows a sentencing court to transfer a person assigned to a community corrections program to a community corrections program where the person resides under certain circumstances.

(F) It allows a victim and an offender to submit a written statement that must be considered before the offender is assigned to a community transition program or other work release program. It makes other changes.

Effective Date: Upon passage.

Explanation of State Expenditures: (A) This provision could reduce the number of offenders who would be eligible for the community transition program. It is unknown how many offenders have been assigned to the program that either have a sentence of less than two years or are nonresidents. Most of the offenders with

sentencing of less than two years will be D felons. Between September and October, 1999, DOC reports that 37% of offenders who were eligible for the program were D felons.

(B) Under current law, offenders who are transferred to community transitions programs are under the custody of the local agencies who operate the programs. Under this bill, these offenders could be assigned to minimum security facilities and be eligible for community transition programs as provided for by the sentencing courts. A person assigned to a community transition program is responsible for the person's own medical care while in the program. If the person is unable to pay for the person's necessary medical care, the Department of Correction is responsible for the medical care.

Background Information: The Department of Correction reports the following statistics concerning the community transition program for September and October, 1999:

	<u>September</u>	<u>October</u>	<u>Two Month Total</u>
Offenders Eligible	451	524	975
Offenders Transitioned	45	53	98
Total Court Ordered Denials	406	471	877

This note will be updated when additional information becomes available.

Explanation of State Revenues:

Explanation of Local Expenditures: (B) This provision could reduce the costs to the community transition program since it is no longer responsible for the health care of the offenders.

(D) Community transitions programs which issue a finding of probable cause that an offender has violated a rule or condition of agreement can compel DOC to return an offender to a DOC facility.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction

Local Agencies Affected: Community Transition Programs, Sentencing Courts, Prosecuting Attorneys

Information Sources: Department of Correction