

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

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**FISCAL IMPACT STATEMENT**

**LS 6418**  
**BILL NUMBER: SB 541**

**NOTE PREPARED:** Jan 16, 2007  
**BILL AMENDED:**

**SUBJECT:** Sex and Violent Offenders.

**FIRST AUTHOR:** Sen. Merritt  
**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

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

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. Credit Class IV – It requires the Department of Correction (DOC) to place sex offenders or violent offenders required to register on the Sex and Violent Offender Registry in Credit Class IV, and specifies that persons in Credit Class IV earn one day of credit for each six days of incarceration.
- B. Certain Violent Offenders Must Register on Sex and Violent Offender Registry – It requires persons convicted of murder, voluntary manslaughter, aggravated battery, arson as a Class A felony, or possession of a weapon of mass destruction with the intent to carry out terrorism to register on the Indiana Sex and Violent Offender Registry under the same conditions as sex offenders.
- C. It makes other changes and conforming amendments.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** *Summary:* This bill would increase DOC's operational costs by adding the need for more correctional and parole officers and by increasing the need for more beds. The need for new beds is estimated to begin in FY 2011, and the need for additional parole officers would begin in FY 2050.

The following presents a summary of the added costs (in million \$) for DOC for new beds and added parole officers.

<i>Costs (in \$M)</i>	2011	2012	2013	2014	2015	2020	2030	2040	2050	2060
Added Offenders	\$20.7	\$6.5	\$6.5	\$29.3	\$36.4	\$43.5	\$58.5	\$107.4	\$136.1	\$131.2
Probation Officers	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.1	\$0.1
Total Costs	\$20.7	\$6.5	\$6.5	\$29.3	\$36.4	\$43.5	\$58.5	\$107.4	\$136.2	\$131.3

*Background Information -*

*Added Offenders Due to Credit Class IV* – Under current law, offenders are placed in one of three credit classes based on their conduct in the facilities where they are housed. Credit time refers to the number of days of incarceration that are removed from an offender's sentence for each day they are in the designated credit class.

<b>Credit Class</b>	<b>Credit Time</b>
Class I	One day credit time for each day in Class I
Class II	One day credit time for two days in Class II
Class III	No credit time
<b>Class IV (new)</b>	<b>One day credit time for six days in Class IV</b>

All offenders are initially placed in Credit Class I. They may be reassigned to Class II or Class III if they violate any rule of the penal facility, the DOC, or a community transition program.

As proposed, a new credit category, Class IV, would be established for offenders who have been convicted and sentenced for certain crimes. These offenders would serve six days in a DOC facility before they are permitted to receive any credit time.

*Effect on Department of Correction Facilities* – The average number of offenders committed to DOC facilities between CY 2003 and 2005 for the offenses described in the bill and who would be assigned to Credit Class IV is shown in the following table.

IC Code	Description	Murder	Fel A	Fel B	Fel C	Fel D	Grand Total
35-42-1-1	Murder	115					115
35-42-1-3	Voluntary Manslaughter		31	9			40
35-42-2-1.5	Aggravate Batter			87			87
35-42-3-2	Kidnapping < 18		6				6
35-42-3-3	Criminal Confinement < 18			61	12		61
35-42-4-1	Rape		20	69			89
35-42-4-2	Criminal Deviate Conduct		11	33			44
35-42-4-3	Child Molesting		101	161	294	2	558
35-42-4-4	Child Exploit & Child Porn				6	8	14
35-42-4-5	Vicarious Sex Gratification			2	3	5	10
35-42-4-6	Child Solicitation				2	10	12
35-42-4-7	Child Seduction					3	3
35-42-4-8	Sexual Battery				3	48	51
35-42-4-9	Sex Misc w/ Minor		1	94	149	16	260
35-43-1-1	Arson Class A		2				2
35-46-1-3	Incest			5	5	1	11
<b>Grand Total</b>		<b>115</b>	<b>172</b>	<b>521</b>	<b>474</b>	<b>93</b>	<b>1,363</b>

*Projected Need for New Beds* – The added population that the Department of Correction will need to accommodate will depend on at least two factors:

(1) The rate that offenders who are released from DOC are recommitted because of new crimes. This recidivism rate assumes that a percentage of offenders will return to DOC facilities because they committed a new crime or violated a technical condition of probation, parole, or some other type of community supervision. For this estimate, a 40% recidivism rate was used. This means that 40% of these offenders will likely return to DOC within their first year of release because they commit a new crime. Since these 40% are assumed to return to prison anyway, the new beds will be for the 60% of the offenders who would not otherwise be returning within one year.

(2) The additional length of time that offenders will be incarcerated in DOC facilities because offenders will spend 83% of their time incarcerated rather than 50%. The following table shows the year of earliest release for offenders who were committed during CY 2005 if they were to be released after spending 83% of their sentence incarcerated.

	Number of Offenders Affected	Average Sentence	Avg. Term of Incarceration	Earliest Year of Release			New Beds Needed	Cost of Added Beds (\$M)
				Current Law	Avg. Term of Incarceration	Proposed		
Murder	69	65	34	2041	56	2063	1,518	\$75.9
Felony A	103	42	22	2029	37	2044	1,545	\$77.3
Felony B	313	11	7	2014	10	2017	939	\$47.0
Felony C	284	5	4	2011	5	2012	284	\$14.2
Felony D	56	1	2	2009	2	2009	0	\$0.0
<b>Total Beds Needed</b>							4,286	\$214.4

The projected number of beds and added operating costs are shown in the following table. [Note: these costs are stated in constant 2006 dollars, so the estimate does not account for future increases due to inflation.]

Projected Number of Beds Needed and Added Operating Costs (in \$ Millions)											
Fiscal Year	2011	2012	2013	2014	2015	2020	2030	2040	2050	2060	2063
Accumulated New Offenders	284	284	284	597	910	1,223	1,429	2,459	3,561	4,251	4,286
New Oper. Costs (1)	\$6.5	\$6.5	\$6.5	\$13.6	\$20.7	\$27.8	\$32.5	\$55.9	\$81.0	\$96.7	\$97.0
New Beds Needed	284	0	0	313	313	313	206	1,030	1,102	690	35
New Capital Costs (2)	\$14.2	\$0.0	\$0.0	\$15.7	\$15.7	\$15.7	\$26.0	\$51.5	\$55.1	\$34.5	\$1.8
Total Costs	\$20.7	\$6.5	\$6.5	\$29.3	\$36.4	\$43.5	\$58.5	\$107.4	\$136.1	\$131.2	\$98.8
(1) Based on FY 2006 Operating Costs of \$22,743 in Constant Dollars											
(2) Based on Average Cost of \$50,000 per Bed in Constant Dollars											

*Effect on Earned Credit Time* – Offenders who are not in Credit Class I may enroll in academic and vocational education programs. Offenders who are in Credit Class I and who earn GEDs, high school diplomas, college degrees, or obtain certificates of completion of vocational programs are eligible for reductions in incarceration time. Consequently, this bill would reduce the number of offenders who would be eligible for earned credit time reduction.

*Minimal Effect on Parole Division of DOC* – This bill will increase the amount of time on parole that a person sentenced for murder, voluntary manslaughter, aggravated battery, arson as a Class A felony, or a crime related to a weapon of mass destruction may be placed on parole or probation to ten years. These offenders will spend an additional two to ten years on probation. The following table shows the number of offenders who would be affected by this bill on an annual basis.

IC Code	Description	Murder	Felony Class A	Felony Class B	Grand Total
35-42-1-1	Murder	115			115
35-42-1-3	Voluntary Manslaughter		31	9	40
35-42-2-1.5	Aggravated Battery			87	87
35-43-1-1	Arson Class A		2		2
Grand Total		115	33	96	244

LSA examined the release types of 748 offenders who were committed for murder, voluntary manslaughter, aggravated battery, arson as a Class A felony, or a crime related to a weapon of mass destruction. Half of these offenders were released on parole.

Offenders Released from DOC Facilities to Type of Supervision for Offenders Committed for Murder, Voluntary Manslaughter, Aggravated Battery and Arson as a Class A Felony						
	Community Transition Program	Probation	Died	Parole	Discharge - Max Time	Total Offenders Released
Number of Offenders	56	228	39	377	48	748
Percent	7.5%	30.5%	5.2%	50.4%	6.4%	100%

The following table shows the balance of the sentence that an offender could be placed on parole after completing the mandatory 85% time in incarceration.

	Avg. Offenders Committed to DOC by Felony Level		Percent Released on Parole		Number of Offenders Placed on Parole	Average Sentence (in Years)	Proposed Term of Incarceration	Balance to be Served on Parole	Offenders Sentenced in FY 2008 Will Be Eligible for Parole in:
Murder	115	x	50%	=	58	65	56	9	2064
Felony A	33	x	50%	=	17	42	37	5	2045
Felony B	96	x	50%	=	48	11	10	1	2018

In all likelihood, the increase in the time that offenders would spend on parole would be minimal. The average age of offenders being committed to DOC is 30 years. Offenders committed for murder would be released at 86 years of age (30 years of age + 56 years incarceration). Consequently, the 85% sentence would likely be a life sentence for most of these offenders sentenced for murder. The difference between the sentence length and time in prison for Class A felons is five years and one year for Class B felons.

The following table shows that no more than two new parole officers would likely be needed because of

changes proposed by this bill.

	Offen- d-ers	Year of Release	2017	2018	2019	2020	2025	2030	2040	2050	2060
Murder	58	2063	Offenders sentenced in 2007 and released in 2063 would be 86								
A Felons	17	2044								85	85
B Felons	48	2017	48	48	48	48	48	48	48	48	48
Totals			48	48	48	48	48	48	48	133	133
Parole Officers Needed			0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.5	1.5
Cost of Parole Officers			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.08	\$0.08

Overview of Sex Offender Registry – The Sex Offender Registry has two components for public use:

- a web page with the name, address, and picture of each offender and
- geographical information system component that shows each offender on maps of varying scale.

The Department of Correction coordinates with the Indiana Sheriffs' Association to input offender information into a database. DOC then contracts with APPRISS Inc. to develop this information into a series of web pages with information on the offender's name, address, and recent picture. The current contract with APPRISS for initial costs was \$173,000, and DOC has a continuing contract to pay \$4,000 per month for maintenance. This maintenance contract expires on January 22, 2007. DOC is in the process of renewing the contract.

The Office of the Attorney General contracts with Map Muse Inc. for developing the on-line maps of where sex offenders are located. The current contract for the services of Map Muse is \$42,100 and runs from January 31, 2005, to January 31, 2008.

Renegotiations with Vendors – To add a menu option for murder, DOC indicates it will have to do the following:

- Work with APPRISS to modify the entry routine used by local sheriffs and the DOC to register offenders. Either DOC or APPRISS would be required to work with MapMuse through the Attorney General's office to update mapping components of the site to include persons who have been convicted of murder.
- Modify the registry presentation of information to make this information available to the public like other persons on the Sex Offender Registry. This would require modifications by both APPRISS and MapMuse.
- Add components to the training agenda developed by DOC concerning how murder offenders should be registered by DOC and local sheriff department staff. Change public training materials available for justice professionals and the public.
- Update publication materials that explain the purposes and presentation of offender registration and registry efforts by including murder.

Any added costs to renegotiate the current contract with either of these vendors is currently not known, but will be updated when this information becomes available.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Effect on Local Law Enforcement Agencies* – Offenders sentenced for murder, voluntary manslaughter, aggravated battery, arson as a Class A felony, or a crime related to a weapon of mass destruction would be required to register with the Sex or Violent Offender Registry at the local level for the rest of their lives after they finish their time on parole or probation.

The following table shows the average number of offenders who have been released from DOC facilities for murder, voluntary manslaughter, aggravated battery, arson as a Class A felony, or a crime related to a weapon of mass destruction between 2003 and 2005 for five different population groups and Marion County.

<b>Offenders Released from DOC in:</b>							
	No. of Counties	Population in 2005	<u>CY 2003</u>	<u>CY 2004</u>	<u>CY 2005</u>	3-Year average	Rate per 100,000
Counties less than 25,000	30	503,627	12	9	9	10	2.0
Between 25,000 and 40,000	25	808,627	14	13	20	16	2.0
Between 40,000 and 75,000	18	972,397	22	28	30	27	2.8
Between 75,000 and 250,000	15	2,020,726	65	64	68	66	3.3
Allen, Lake, St. Joseph	3	1,103,463	68	60	56	61	5.5
Marion	1	863,133	71	57	56	61	7.1
Statewide	92	6,271,973	252	231	239	241	3.8

**Explanation of Local Revenues:**

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

**Local Agencies Affected:** Local law enforcement agencies; Probation departments; Trial courts.

**Information Sources:** Department of Correction Offender Information System.

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