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FISCAL IMPACT STATEMENT

LS 6155 | **NOTE PREPARED:** Feb 26, 2008
BILL NUMBER: SB 258 | **BILL AMENDED:** Feb 26, 2008

SUBJECT: Discharge of Long-Term Inmates and Electronic Copies of Sentencing Information.

FIRST AUTHOR: Sen. Waterman | **BILL STATUS:** 2nd Reading - 2nd House
FIRST SPONSOR: Rep. V. Smith

FUNDS AFFECTED: X **GENERAL** | **IMPACT:** State & Local
DEDICATED
FEDERAL

Summary of Legislation: (Amended) This bill has the following provisions:

A. *Long-Time Inmates* – It requires the Department of Correction (Department) to provide for an automatic, one-time review of the sentence of a long-time inmate who has not been convicted of a violent offense to determine whether the inmate has been rehabilitated and has suitable plans that would warrant discharge from custody. It requires an inmate released by the Department to be placed on parole.

B. *Sentencing Information* – It allows a court to: (1) send copies of certain reports relating to the conviction of an individual to the Department; and (2) certify copies of judgments of conviction and sentences to receiving authorities; through any electronic means approved by the Department.

C. *Internet Access for Offenders Scheduled to be Released* – It requires the Department to allow an inmate to have Internet access to web sites that contain employment information in the 90-day period before an inmate is discharged, released on parole, or assigned to a community transition program, and requires the Department to train an employee to provide employment counseling and to supervise the inmate's use of the Internet.

Effective Date: July 1, 2008.

Explanation of State Expenditures: *Long-Time Inmates* – Depending on the decisions made by the sentence review panel, this bill may reduce the number of offenders in Department of Correction facilities in the long term and increase the number of offenders who may need to be supervised on parole. Operations of a review panel may involve some meeting and travel reimbursement costs based on panel membership as determined by the DOC.

As of October 22, 2007, there were 11 offenders who had been imprisoned in DOC facilities for 25 years or longer (as specified in the bill) who might be eligible to be released under this bill. Their average age on January 25, 2008, was 54.

Education and conduct are two of the criteria that DOC may consider when deciding to grant an early release. According to DOC records, none of these offenders have either a high school diploma or a GED. Ten of these 11 offenders were in the highest conduct group, the Credit Class I behavioral group, which receives one day of credit time for each day incarcerated.

Other criteria DOC may consider include, but are not limited to, assurance of suitable living quarters when the offender is released and proof of job offers from local employers where the offender would reside. There was no information available about these offenders' prospects for employment or other family or community support.

Cost Savings for DOC – Depending on the number of offenders who are released, the state could save between $1,825 and $19,185 per offender. The marginal cost of $1,825 would apply if only a few offenders are released due to this provision. This amount represents the marginal cost of housing offenders in existing facilities with no additional staff, and avoiding having to provide medicines, food, and clothing for these offenders who are released. If a significant number of offenders are released, the state could save as much as $19,185 per offender. This savings can occur if DOC facilities can avoid paying for personnel, including correctional officers, program staff, and other support staff, as well as avoiding having to provide food, clothing, and medicines for these offenders.

Since, at most, eleven offenders would qualify for this reduction, parole expenses would likely be minimal if all eleven were released.

(Revised) *Internet Access for Offenders Scheduled to be Released* – This bill would increase costs for the Department of Correction in the following areas:

- One-time expenses to install Internet-compatible equipment in secure areas.
- Software programming to restrict offenders to certain websites.
- Either additional staff to oversee offenders or reassigning staff to supervise offenders, particularly in facilities where offenders are in high-level security settings.

DOC could have three staffing issues to deal with in accommodating offenders who are being released:

- First, facilities with large offender populations, such as Miami, Plainfield, Putnamville, and Westville, will have 30 or more offenders released on average each week of the year.
- Second, staff in facilities such as the State Prison, Miami, and Wabash Valley, could experience more problems because more of the offenders being released from these facilities are in the higher security levels.
- Finally, DOC contracts with county sheriffs and outside groups to house some offenders. DOC may need to renegotiate contracts with these providers to assure that offenders being released from these facilities will be given Internet access.

Background:

Internet Access - Currently, only the Plainfield Reentry Facility permits offenders supervised access to the Internet to research employment prospects. The facility houses offenders who are to be released from DOC

back into Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Putnam, or Shelby Counties.

Under current DOC rules, no offenders in any facility other than Plainfield Reentry has access to the Internet. Each facility has a prerelease reentry program which runs for 4 to 13 weeks prior to the offender's release.

In CY 2006, 16,379 offenders were released from DOC facilities at an average number of 315 offenders per day. The following shows the potential number of releases each week based on 2006 information.

Number of Offenders Released from DOC Facilities in CY 2006		
Facility	**Annual Releases**	**Average Releases per Week**
Branchville	916	18
Chain of Lakes	166	3
Correctional Industrial	609	12
County Jails	1,007	19
Edinburgh	394	8
Evansville Work Release	82	2
Henryville	210	4
Indianapolis Men's Work Release	274	5
Indianapolis Women's Work Release	154	3
Liberty Hall	217	4
Madison	301	6
Marion Co Work Release	28	1
Medearyville	148	3
Miami	1,544	30
New Castle	616	12
Pendleton	472	9
Plainfield	1,845	35
Plainfield Reentry	81	2
Putnamville	2,201	42
Reception Diagnostic	104	2
Rockville	1,043	20
South Bend Work Release	206	4
State Prison	413	8
Wabash	553	11
Westville	2,264	44
Women's Prison	531	10
Grand Total	**16,379**	**315**

Crimes of Violence – Crimes of violence are defined by IC 35-50-1-2 to include:
(1) murder (IC 35-42-1-1).
(2) attempted murder (IC 35-41-5-1).
(3) voluntary manslaughter (IC 35-42-1-3).

(4) involuntary manslaughter (IC 35-42-1-4).
(5) reckless homicide (IC 35-42-1-5).
(6) aggravated battery (IC 35-42-2-1.5).
(7) kidnapping (IC 35-42-3-2).
(8) rape (IC 35-42-4-1).
(9) criminal deviate conduct (IC 35-42-4-2).
(10) child molesting (IC 35-42-4-3).
(11) sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).
(12) robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
(13) burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
(14) causing death when operating a motor vehicle (IC 9-30-5-5).

Explanation of State Revenues:

Explanation of Local Expenditures: *Sentencing Information* – This bill would add a series of documents that the sentencing court would send to the Department of Correction. Under current law, these documents are presumably sent by postal service but as proposed, these documents could be sent by electronic mail.

The bill's effect on the administrative practices of the sentencing courts will be based on the following factors:

- The capacity of each sentencing court to e-mail these documents to the Department of Correction.
- The number of offenders committed from each county.

Counties with e-mail capacity should be able to e-mail these documents to the DOC with little or no added expense and could save postal expenses. Counties with limited computer capabilities are generally in rural areas. Counties in rural areas commit relatively fewer offenders to DOC.

Background: To illustrate, LSA examined the number of offenders who were committed to DOC from each county in FY 2007. The number of offenders committed to DOC ranged from a low of 2 offenders for the entire 12 months in Martin County, to a high of 4,872 in Marion County.

The following table summarizes these findings:

Average Number of Offenders Committed to DOC Per Week in FY 2007	
Frequency Per Week	**Counties**
One offender or less.	Benton, Blackford, Brown, Carroll, Cass, Clay, Clinton, Crawford, Daviess, Decatur, Dubois, Fayette, Fountain, Franklin, Fulton, Gibson, Greene, Hancock, Jackson, Jasper, Jay, Jefferson, Knox, Lagrange, Lawrence, Martin, Miami, Montgomery, Newton, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Pulaski, Randolph, Ripley, Spencer, Steuben, Sullivan, Switzerland, Tipton, Union, Vermillion, Warren, Warrick, Washington, Wells, White, Whitley
More than one offender, less than three.	Adams, Boone, Clark, Dekalb, Floyd, Grant, Harrison, Henry, Howard, Jennings, Kosciusko, Laporte, Marshall, Morgan, Noble, Porter, Putnam, Rush, Scott, Shelby, Starke, Tippecanoe, Wabash
More than three offenders, less than five.	Bartholomew, Dearborn, Delaware, Hamilton, Hendricks, Huntington, Monroe, Noble
More than five offenders, fewer than ten.	Johnson, Lake, Madison, St. Joseph, Vanderburgh, Vigo, Wayne
More than ten offenders.	Allen, Elkhart, Marion

Explanation of Local Revenues:

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts with criminal jurisdiction.

Information Sources: DOC.

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