

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

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7280

BILL NUMBER: SB 565

NOTE PREPARED: Jan 4, 2009

BILL AMENDED:

SUBJECT: Crimes Near Schools and Other Facilities.

FIRST AUTHOR: Sen. Breaux

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: The bill provides that the sentences for certain crimes will be enhanced if the crime is committed within 500 feet of school property or certain other locations (instead of 1,000 feet as currently provided). It makes conforming amendments.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Summary-* The shorter the length of stay in a state correctional facility, the lower the cost of incarceration per prisoner. If the number of offenders receiving an enhanced penalty for committing certain crimes near school property or other restricted location decreases as the result of reducing the distance from the location that triggers the enhanced penalty, the length of stay for certain prisoners may be reduced. Court costs and other penalties would not be effected, except if the enhanced penalty changes from a misdemeanor to a felony offense.

In addition to criminal penalties this bill will make changes concerning administrative staff's duty to report and the invalidation of a juvenile's operator's permit for committing certain offenses.

Background- The table below shows the underlying offense, the enhanced penalty, and the number of offenders in the state prison population on October 15, 2008, who were committed for an enhanced offense. (Note: The enhanced penalty may result for reasons other than the distance of the crime from school property or other restricted locations. As a result, the number of offenders who would be affected by the changes in this bill may be overstated.)

Indiana Code	Description	Underlying Offense	Enhanced Penalty	Count on 10/15/2008
35-45-9-5	Criminal gang recruitment	Class D Felony	Class C Felony*	0
35-47-2-1	Weapon without a license	Class A Misdemeanor	Class C Felony*	18
35-48-4-1	Dealing in cocaine or a narcotic drug	Class B Felony	Class A Felony*	1,144
35-48-4-1.1	Dealing in methamphetamine	Class B Felony	Class A Felony*	25
35-48-4-2	Dealing in a Schedule I, II, or III controlled substance	Class B Felony	Class A Felony*	45
35-48-4-3	Dealing in a Schedule IV controlled substance	Class C Felony	Class B Felony*	13
35-48-4-4	Dealing in a Schedule V controlled substance	Class D Felony	Class B Felony*	5
35-48-4-6	Possession of cocaine or a narcotic drug	Class D Felony	Class B Felony*	379
35-48-4-6.1	Possession of methamphetamine	Class D Felony	Class B Felony*	20
35-48-4-7	Possession of a controlled substance	Class D Felony	Class C Felony*	68
35-48-4-10	Dealing in marijuana, hash oil, or hashish	Class A Misdemeanor	Class C Felony*	48
35-48-4-14.5	Possession of more than 10 grams of ephedrine, pseudoephedrine, or phenylpropanolamine	Class D Felony	Class C Felony*	22
	Intent to manufacture methamphetamine or amphetamine	Class D Felony	Class C Felony	
	Intent to manufacture a controlled substance	Class D Felony	Class C Felony	
* The enhanced penalty may result from other circumstances, such as possession of a firearm, occurring on a school bus, or delivery to a person under the age of 18 and more than 3 years younger than the offender.				

The following penalties apply:

Crime Class Category	Sentence Range	Average Length of Stay in a DOC Facility
Class A Felony	20 to 50 years	9 years
Class B Felony	6 to 20 years	3.7 years
Class C Felony	2 to 8 years	2 years
Class D Felony	6 months to 3 years or Reduction to Class A misdemeanor	10 months

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.