

**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 6325**

**BILL NUMBER: SB 88**

**NOTE PREPARED:** Dec 2, 2009

**BILL AMENDED:**

**SUBJECT:** Conversion of Leased Motor Vehicles.

**FIRST AUTHOR:** Sen. Tallian

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill makes criminal conversion of a leased motor vehicle valued at more than \$5,000 a Class D felony under certain circumstances.

**Effective Date:** July 1, 2010.

**Explanation of State Expenditures:** There are no data available to indicate how many offenders may be convicted of this Class D felony, instead of criminal conversion as a Class A misdemeanor.

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,194 in FY 2009. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost per offender for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,050 in FY 2009. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Background:** Under current law, criminal conversion is a Class A misdemeanor, except in two circumstances involving motor vehicles where the penalty is enhanced to a Class D or Class C felony. The bill would increase the penalty for criminal conversion to a Class D felony if a person acquires a motor vehicle worth more than \$5,000 by written agreement and fails to return the property within ten days after the specified

period of time or within five days of demand for return.

**Explanation of State Revenues:** More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

**Explanation of Local Expenditures:** If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

**Explanation of Local Revenues:** Court fees for both misdemeanors and felonies are \$120.

**State Agencies Affected:** DOC.

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

**Information Sources:** Indiana Sheriffs' Association.

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