

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

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FISCAL IMPACT STATEMENT

LS 6418
BILL NUMBER: HB 1067

NOTE PREPARED: Dec 2, 2020
BILL AMENDED:

SUBJECT: Inducing Suicide.

FIRST AUTHOR: Rep. Olthoff
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It defines "individual with suicidal ideation" and "undue influence".
- B. It provides that a person who, with the intent to cause an individual to commit suicide, persuades, encourages, or induces the individual to commit suicide, commits inducing suicide, a Level 5 felony, if: (1) the person knows that the individual is an individual with suicidal ideation; (2) the person has undue influence over the individual; and (3) the individual commits or attempts to commit suicide.
- C. It makes conforming amendments.

Effective Date: July 1, 2021.

Explanation of State Expenditures: *Minor Increase in DOC Population* – A Level 5 felony is punishable by a prison term ranging from 1 to 6 years, with an advisory sentence of 3 years. The sentence depends on mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$21,551 annually, or \$59 daily, in FY 2020. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,524 annually, or \$9.66 daily, per prisoner. These marginal cost estimates are based on contractual agreements with food and medical vendors and projections based on prior years for clothing and hygiene. The estimated average cost of housing a juvenile in a state juvenile facility was \$89,998, or \$246 daily, in FY 2020. The marginal cost for juvenile facilities was \$3,969 annually or \$10.87 daily.

The entire Level 5 sentence may be suspended and the person placed on either probation or community corrections. If no time is suspended, the offender can receive good time credit of 25% and educational credit

time. After adjusting for credit time, the offender can be released from prison and placed on parole.

Nonwaivable Offense – This bill adds the crime of inducing suicide to the definition of nonwaivable offense. If a juvenile is convicted of inducing suicide, the juvenile would be disqualified as an adult from adopting and accepting placement of a child.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Level 5 felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit or superior court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. In addition, some or all of the following revenue is deposited into the state General Fund: automated record keeping fee (\$20), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), the DNA sample processing fee (\$3), child abuse prevention fee (\$100); and the domestic violence prevention and treatment fee (\$50).

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$54 based on the per diem payments reported by U.S. Marshals to house federal prisoners in 16 county jails across Indiana during federal FY 2017.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. Persons found guilty of a felony or misdemeanor are also required to pay the document storage fee (\$5), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Department of Correction, U.S. Department of Justice Marshals Service.

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