

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

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FISCAL IMPACT STATEMENT

LS 6828

BILL NUMBER: HB 1097

NOTE PREPARED: Apr 16, 2021

BILL AMENDED: Apr 12, 2021

SUBJECT: Criminal Penalties.

FIRST AUTHOR: Rep. Abbott

FIRST SPONSOR: Sen. Glick

BILL STATUS: Enrolled

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person who uses a vehicle to commit the offense of resisting law enforcement or interfering with public safety, and has a prior conviction for either offense that involved the use of a vehicle, commits a Level 5 felony.

Effective Date: Upon passage.

Explanation of State Expenditures: Since no information exists about the criminal history of the persons who have been convicted and sentenced for this offense, OFMA cannot provide a definitive estimate of any increase this bill would have on DOC's population.

On average, over 600 persons were convicted and sentenced each year for resisting law enforcement with the use of a vehicle between FY 2014 and FY 2020. Consequently, enhancing this offense from a Level 6 to a Level 5 felony *could increase* DOC's offender population. An average of 46% of those who are convicted and sentenced for a Level 5 felony have received an average sentence of 2.7 years. This compares with 8% of those who are convicted and sentenced of a Level 6 felony who received a 1.4 year sentence.

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.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill could increase the state's county jail population, depending on the number of persons who are charged with this offense have prior convictions for this offense. Generally, the percentage of persons are confined in a county jail before trial will increase as the severity of the felony level increases.

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.

The percentage of persons who are assigned to community supervision (probation and community corrections) will also vary between the felony level and whether the offense involved any type of bodily injury.

Explanation of Local Revenues:

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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