

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6649
BILL NUMBER: HB 1198

NOTE PREPARED: Mar 11, 2021
BILL AMENDED: Mar 11, 2021

SUBJECT: Adult and Juvenile Court Jurisdiction.

FIRST AUTHOR: Rep. McNamara
FIRST SPONSOR: Sen. Young M

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

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

- A. It provides that a complaint, indictment, or information for child molesting shall be filed in adult criminal court if the accused person: (1) was at least 14 years of age but less than 18 years of age at the time of the offense; and (2) is at least 21 years of age at the time of filing the complaint, indictment, or information.
- B. It provides that a prosecution for certain sex crimes must be commenced not later than one year after certain information is discovered if the accused person: (1) was less than 18 years of age at the time of the offense; and (2) is at least 21 years of age at the time of filing the complaint, indictment, or information.
- C. It provides that a court may suspend any part of a sentence for child molesting if the person: (1) was at least 14 years of age but less than 18 years of age at the time of the offense; and (2) was at least 21 years of age at the time of filing the complaint, indictment, or information.

Effective Date: July 1, 2021.

Explanation of State Expenditures: *Minor Increase in DOC Facilities* – The number of new offenders who could be sentenced to DOC facilities is expected to be between 4 and 15 per year. Prosecutions would be limited to persons who were between the ages of 14 and 18 when the crime occurred and are 21 years or older when the case was filed. Since the sentencing court would be permitted to suspend the sentences of these persons, this bill could have a minor increase in workload on community supervision programs and

have less of an effect on DOC adult facilities.

This bill establishes a time limit for prosecuting a crime in adult court of one year after: (1) DNA evidence is discovered, (2) a statement or recording that provides sufficient charging evidence becomes available; (3) the person confesses to the offense or (4) the victim discloses the nature of the offense involving the accused person.

The date that the crime occurred will determine whether the crime would be prosecuted as either a felony class or felony level. Crimes committed prior to July 1, 2014, would be prosecuted as a felony class. Crimes committed after July 1, 2014, would be prosecuted as felony level.

Persons sentenced for felony class crimes may receive credit time for up to 50% of their fixed term of incarceration for good behavior (good time credit) while persons sentenced for felony levels 1 through 5 receive good time credit of up to 25% of their sentence. Persons sentenced for a Level 6 felony may receive good time credit of 50%.

(Revised) *Additional Information* – The following table shows the felony class and felony level for child molesting.

Child Molesting									
Committed after July 1, 2014						Committed before July 1, 2014			
Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Class A	Class B	Class C	Class D
•		•				•	•	•	•

The following table shows the sentencing ranges according to felony class and level.

Felony Level				Felony Class			
	Minimum	Advisory	Maximum		Minimum	Advisory	Maximum
1	20 years	30 years	40 years	A	20 years	30 years	50 years
3	3 years	9 years	16 years	B	6 years	10 years	20 years
				C	2 years	4 years	8 years

The average expenditure to house an adult offender in a DOC facility was \$21,551 annually, or \$59 daily, during 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 estimated at \$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 annually or \$246.40 per day in FY 2020. The marginal cost for juvenile facilities was \$3,969 annually or \$10.87 daily.

Estimating the Number of Adults Charged as Juveniles – OFMA used juvenile filings obtained from Quest Case Management System to estimate the number of new offenders who could be transferred to adult criminal court. This data was for sex crime filings from these counties: Allen, Howard, Johnson, Lake, Madison, Marion, Porter, St Joseph, and Tippecanoe. The filings from these 9 counties comprise about 52% of statewide juvenile delinquency filings in CY 2018.

The following table shows the age distribution of persons who had cases filed in juvenile court for a sex crime between CY 1998 and 2020.

Number of Persons over the age of 18 with a Filing in Juvenile Court for a Sex Crime under IC 35-42-4							
Age At Filing in Juvenile Court	<u>19</u>	<u>20</u>	<u>21</u>	<u>22</u>	<u>23</u>	<u>24</u>	<u>27</u>
Number of Unduplicated Filings	40	19	4	8	1	4	1

Source: Quest Case Management System

Explanation of State Revenues: This bill is not expected to impact state revenue.

Explanation of Local Expenditures: Any additional actions required in a court procedure should be able to be performed with existing resources. This bill should also cause a minor increase in the pretrial population in county jails.

Explanation of Local Revenues: This bill is not expected to impact local revenue.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Courts with juvenile jurisdiction and courts with criminal jurisdiction, prosecuting attorneys, local law enforcement agencies.

Information Sources: Indiana Code; Quest Case Management System; 2018 Indiana Judicial Report.

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