

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

200 W. Washington St., Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
iga.in.gov

**FISCAL IMPACT STATEMENT**

**LS 7056**

**BILL NUMBER:** HB 1379

**NOTE PREPARED:** Jan 9, 2024

**BILL AMENDED:**

**SUBJECT:** Unborn Children.

**FIRST AUTHOR:** Rep. Sweet

**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 modifies the definition of "human being" in the criminal code to include an unborn child. It removes applicability language concerning certain abortions in the wrongful death or injury of a child statutes.
- B. It clarifies the duress defense relating to culpability.
- C. It repeals the section that provides that the homicide chapter does not apply to certain abortions. It removes language from the murder, manslaughter, and involuntary manslaughter statutes regarding intentionally killing a fetus. It repeals the crime of feticide. It repeals the section that concerns the applicability of certain crimes related to abortion, the termination of a pregnancy, or the killing of a fetus.
- D. It provides that the homicide and battery chapters apply to a victim who is an unborn child.

**Effective Date:** July 1, 2024.

**Explanation of State Expenditures:** Any added offender population to DOC's facilities is indeterminable and will depend on the discretion of prosecuting attorneys to file criminal charges.

Filings for the following offenses would likely be affected.

Offense	Felony Level	Sentencing Range	Percent Committed to DOC
Murder	Murder	45 to 65 years	100%
Voluntary Manslaughter	Level 2	10 to 30 years	78%
Involuntary Manslaughter	Level 5	1 to 6 years	42%

The average expenditure to house an adult offender was \$28,110 annually, or \$76.96 daily, in FY 2023. (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 \$4,456 annually, or \$12.21 daily, per prisoner. The marginal cost estimates are based on contractual agreements with food and medical vendors and projections based on prior years for clothing and hygiene.

**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 all felony levels is \$10,000. Criminal fines are deposited in the Common School Fund. The total fee revenue per case would range between \$113 and \$135. The amount of court fees deposited will vary depending on whether the case is filed in a court of record or a municipal court. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

**Explanation of Local Expenditures:** More criminal charges for murder and Level 2 felonies would likely increase the pretrial population on county jails.

The average cost per day is approximately \$64.53 based on the per diem payments reported by U.S. Marshals to house federal prisoners in 11 county jails across Indiana during CY 2021.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, more revenue will be collected by certain local units. If the case is filed in a court of record, the county general fund will receive \$47.40 and qualifying municipalities will receive a share of \$3.60. If the case is filed in a municipal court, the county receives \$30, and the municipality will receive \$46. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

**State Agencies Affected:** Department of Correction

**Local Agencies Affected:** Prosecuting attorneys, sheriffs, trial courts

**Information Sources:** Indiana Supreme Court Abstracts of Judgment; Department of Correction; U.S. Department of Justice Marshals Service

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.