

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

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FISCAL IMPACT STATEMENT

LS 7065

BILL NUMBER: HB 1422

NOTE PREPARED: Feb 22, 2024

BILL AMENDED:

SUBJECT: Trafficking of Harmful Substances in Jails.

FIRST AUTHOR: Rep. Gore

FIRST SPONSOR: Sen. Carrasco

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill defines "chemical intoxicant" and increases the penalty for trafficking with an inmate if the trafficked article is a chemical intoxicant.

Effective Date: July 1, 2024.

Explanation of State Expenditures: A person who traffics in controlled substances in penal or juvenile facility commits a Level 5 felony. Any added population to DOC facilities is expected to be minor. Between FY 2019 and 2023, an average 85 persons have been convicted of trafficking a controlled substance with an inmate as a Level 5 felony. About 50% of these persons were committed to a DOC facility for this offense.

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 \$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. 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 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.

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. 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: 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 \$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: Trial courts, local law enforcement agencies.

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

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