

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

LS 7676

BILL NUMBER: HB 1554

NOTE PREPARED: Mar 17, 2025

BILL AMENDED: Jan 30, 2025

SUBJECT: Driving with Suspended Driving Privileges.

FIRST AUTHOR: Rep. Bascom

FIRST SPONSOR: Sen. Crider

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill specifies that the penalty for a operating a motor vehicle while under a lifetime forfeiture of driving privileges is: (1) a Level 6 felony, if the forfeiture occurred before July 1, 2015; and (2) a Level 5 felony, if the forfeiture occurred after June 30, 2015.

Effective Date: July 1, 2025.

Explanation of State Expenditures: *Summary* - The bill provides clarification on felony penalties for individuals who operate a motor vehicle with a lifetime driving privilege suspension. Any impact on General Fund expenditures for incarceration costs is indeterminable.

Additional Information - Currently, persons who operate a motor vehicle with a lifetime suspension can be prosecuted as either a Level 6 felony [IC 9-30-10-16(a)(1)] or a Level 5 felony [IC 9-30-10-17(a)(1)]. The bill specifies that violation of IC 9-30-10-17(a)(1) is punishable as a Level 6 felony if the forfeiture occurred before June 30, 2015, and a Level 5 felony if the forfeiture occurred after June 30, 2025.

The following table shows the sentencing experiences of persons convicted of IC 9-30-10-16(a)(1) and IC 9-30-10-17(a) and held by the Department of Correction (DOC). No information was available concerning when individuals convicted of a Level 5 felony initially had their driving privileges suspended.

Offense	Felony	Average Convictions Per Year	Post-Trial Sentencing	Percent Confined in DOC	Percent in Community Supervision	Average Length of Stay
Lifetime suspension IC 9-30-10-17(a)(1)	Level 5	476	17%	35%	75%	2.40 years
Any suspension IC 9-30-10-16(a)(1)	Level 6	813	43%	7%	80%	0.80 year

The average expenditure to house an adult offender was \$29,432 annually, or \$80.58 daily, in FY 2024. (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 \$4,719 annually, or \$12.93 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: *Penalty Provision:* No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Level 5 or Level 6 felonies.

Explanation of Local Expenditures: The bill could increase the population that is confined in county jails post sentencing. As a result, if more persons are confined in county jails post sentencing, local expenditures will increase.

A person who is convicted and sentenced for IC 9-30-10-16(a)(1) as a Level 6 felony is more likely to be confined in county jail post sentencing and placed on community supervision (either probation, community corrections, or both) after their period of confinement. Between FY 2016 and 2024, about 43% of persons convicted as a Level 6 felony were confined in county jail post sentencing compared to 17% of persons convicted and sentenced for IC 9-30-10-17(a)(1) as a Level 5 felony.

Explanation of Local Revenues: *Penalty Provision:* No additional revenues would be expected since the court fees for Level 5 and Level 6 felonies are the same.

State Agencies Affected: Department of Correction.

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

Information Sources: Abstracts of Judgment, FY 2016 and FY 2024, Indiana Supreme Court; Department of Correction; Bureau of Motor Vehicles, Suspensions and Reinstatements, [https://www.in.gov/bmv/licenses-permits-ids/suspension-and-reinstatement/common-traffic-violations/#:~:text=180%20consecutive%20days.-,Habitual%20Traffic%20Violator%20\(HTV\),driver%20qualifies%20as%20a%20HTV.](https://www.in.gov/bmv/licenses-permits-ids/suspension-and-reinstatement/common-traffic-violations/#:~:text=180%20consecutive%20days.-,Habitual%20Traffic%20Violator%20(HTV),driver%20qualifies%20as%20a%20HTV.)

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