

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

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FISCAL IMPACT STATEMENT

LS 6526

BILL NUMBER: SB 76

NOTE PREPARED: Dec 8, 2020

BILL AMENDED:

SUBJECT: Human Trafficking.

FIRST AUTHOR: Sen. Crider

FIRST SPONSOR:

BILL STATUS: As Introduced

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It provides that money or property paid in human trafficking may be paid to a human trafficking victim or a third party.
- B. It increases the penalty if the human trafficking victim is less than 18 years of age, and specifies that: (1) consent by the human trafficking victim; (2) a belief that the human trafficking victim was at least 18 years of age; or (3) the intended victim is a law enforcement officer; is not a defense to a prosecution.

Effective Date: July 1, 2021.

Explanation of State Expenditures: This bill should cause a minimal increase in DOC's offender population since these types of crimes are infrequently prosecuted at the state level. See *Additional Information* for more details. Under current law, a person commits human trafficking only if the person pays or offers to pay a human trafficking victim. As proposed, more persons could be prosecuted for Level 5 felonies under this section if a person either offers, agrees or actually pays a third party for an act by a human trafficking victim.

A second provision in this bill increases the criminal penalty from a Level 5 felony to a Level 4 felony if a human trafficking victim is younger than 18 years of age. State expenditures would increase if an offender is subject to a longer sentence, as shown in the following table.

| Sentencing Ranges for Level 4 and 5 Felonies | | | |
|---|---------|----------|----------|
| | Minimum | Advisory | Maximum |
| Level 5 | 1 years | 3 years | 6 years |
| Level 4 | 2 years | 6 years | 12 years |

The entire sentence for Level 4 and Level 5 felonies 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 and, after adjusting for credit time, released from prison and placed on parole.

Additional Information – Longer sentences increase the Department of Correction (DOC) population which increases costs to DOC. 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.

Between FY 2014 and FY 2020, 17 persons have been convicted and sentenced for human trafficking as the most serious crime for which the person was convicted.

| Number of Individuals Convicted and Sentenced for Human Trafficking Under IC 35-42-3.5 | | | | | | | | |
|---|------|------|------|------|------|------|------|-------------|
| | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | Grand Total |
| Level 2 Felony | | | | | | 1 | | 1 |
| Level 3 Felony | | | 2 | 2 | 2 | 4 | 1 | 11 |
| Level 4 Felony | | | 1 | | | 1 | | 2 |
| Class B Felony | 2 | | | 1 | | | | 3 |
| Grand Total | 2 | | 3 | 3 | 2 | 6 | 1 | 17 |

Explanation of State Revenues: There would be no change in state revenue because criminal fines and court fees are the same for all felonies.

Explanation of Local Expenditures: Persons who have been charged with, convicted, and sentenced for a Level 4 felony will generally be held in a county jail prior to trial for a longer period of time than persons who are convicted and sentenced for a Level 5 felony.

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.

Explanation of Local Revenues: There would be no change in revenues because court fees are the same for all felonies.

State Agencies Affected: Department of Correction.

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

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

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