

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

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FISCAL IMPACT STATEMENT

LS 6225
BILL NUMBER: SB 96

NOTE PREPARED: Nov 4, 2020
BILL AMENDED:

SUBJECT: Rioting.

FIRST AUTHOR: Sen. Grooms
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Battery and Additional Jail Time*– The bill requires a person convicted of a battery against a law enforcement officer, firefighter, or emergency medical services provider to: (1) serve a mandatory minimum sentence of 30 or 90 days, depending on the severity of the injury; and (2) make restitution to the victim.

Rioting and Additional Jail Time– The bill defines "tumultuous conduct" and "unlawful assembly" for purposes of the rioting statute, and requires a person convicted of rioting to: (1) serve a mandatory minimum sentence of 30 days; and (2) make restitution to the victim.

New Penalty– The bill defines "camp" and "Indiana government center campus", and makes unlawful camping on the Indiana government center campus a Class A misdemeanor.

Effective Date: July 1, 2021.

Explanation of State Expenditures: *Battery and Additional Jail Time*– This provision would not allow either the 30 or 90 day required jail time to be applied as pretrial credit to reduce an offender's time of imprisonment in DOC facilities. Consequently, offenders who are confined to a county jail for more than 30 days (or 90 days if serious bodily injury occurred) would have fewer pretrial credit days to reduce their stay in DOC facilities. OFMA was not able to determine the number of offenders who could have longer prison stays, but any increase on DOC's population is expected to be minor.

Explanation of State Revenues: *New Penalty*– If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would

increase. The maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue would likely be small.

Explanation of Local Expenditures: *Battery and Additional Jail Time*– Based on an annual average from the 2017-2019 Abstracts of Judgment, the required additional jail time would result in statewide county jail expenditures ranging from \$502,000 to \$722,000 annually for battery against a public safety official. The estimate assumes similar conviction and sentencing levels for battery would continue in future years.

The estimate takes into account that there is currently no charge for battery against a public safety officer resulting in serious bodily injury. Therefore, a range was provided to apply 30 days to the low range estimate for battery resulting in bodily or moderate bodily injury, and 90 days on the high range estimate assuming those cases would be judged as severe for purposes of applying the 60 extra days of jail time.

Evaluating all battery cases from 2013 to 2019 found that 27% of sentences for battery of all types occurred in Marion County. Therefore, this provision may lead some jails to hire more staff to accommodate the increase in jail time. As a result, 27% of the estimate was figured using a \$54 per day cost for housing an individual in a county jail. The remaining 73% of the estimate used the Department of Correction marginal cost of \$10 per day. This method resulted in \$22 applied to the average number of cases to calculate the statewide cost.

Rioting and Additional Jail Time– Abstracts of Judgment data from 2013 to 2019 did not yield a case involving rioting under IC 35-45-1-2. Unless there is an increase in rioting arrests in future years, any additional jail time expenditures resulting from this provision would likely be minimal.

New Penalty– A Class A misdemeanor is punishable by up to one year in jail.

Additional Information– The U.S. Marshals Service reported the average cost to house an individual in a county jail was \$54 in CY 2017, the most recent year available for this information.

Explanation of Local Revenues: *New Penalty*– If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: Department of Correction.

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

Information Sources: Abstracts of Judgment 2013-2019; U.S. Marshals Service.

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