

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

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FISCAL IMPACT STATEMENT

LS 6288
BILL NUMBER: SB 182

NOTE PREPARED: Dec 1, 2023
BILL AMENDED:

SUBJECT: Regulation of Drones near Correctional Facilities.

FIRST AUTHOR: Sen. Koch
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that the crime of trafficking with an inmate includes the use of an unmanned aerial vehicle (drone) to deliver contraband, and that the crime of public safety remote aerial interference includes operation of a drone to intentionally obstruct or interfere with the duties of a correctional officer, including a county jail officer.

Effective Date: July 1, 2024.

Explanation of State Expenditures: Any added population due to this bill is expected to be minor. The criminal penalty could be a Class A misdemeanor, a Level 6 or a Level 5 felony, depending on the contents of the article that is being transported, whether the article is being transported into or out of the adult or juvenile facility or whether the vehicle interferes with a correctional officer’s duties. These are shown in the following table.

Penalty	Trafficking with an Inmate Inside a Facility (IC 35-44.1-3-5)	Trafficking with an Inmate Outside a Facility (IC 35-44.1-3-6)	Public Safety Remote Aerial Interference (IC 35-44.1-4-10)
Class A Misdemeanor	If the items are certain articles that are not controlled substance, deadly weapons or communications devices.	If the items are alcohol cigarettes or tobacco products.	For the first offense
Level 6 Felony		If the items are controlled substances.	If the person has a prior unrelated conviction
Level 5 Felony	If the items are controlled substances, deadly weapons, or communications devices.	If the items may be used as a weapon.	

The following table shows the sentencing ranges for both Level 5 and 6 felonies.

	Minimum	Advisory	Maximum
Level 5	1 years	3 years	6 years
Level 6	6 months	1 year	30 months

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 sentences of both Level 5 and 6 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. 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 any felony is \$10,000, and the maximum fine for a Class A misdemeanor is \$5,000. 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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