

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

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 6075**

**BILL NUMBER: HB 1027**

**DATE PREPARED: Nov 20, 2000**

**BILL AMENDED:**

**SUBJECT:** Community Policing Volunteers.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

(A) It defines "community policing volunteer" as a person who is actively participating in a plan, system, or strategy: (1) established by and conducted under the authority of a law enforcement agency; and (2) in which citizens work with members of the law enforcement agency to reduce or prevent crime within a defined geographic area.

(B) It increases the penalties for battery and intimidation if the victim is a community policing volunteer. These specific enhancements include: (1) making any kind of rude, insolent, or angry bodily contact with another person a Class A misdemeanor instead of a Class B misdemeanor; (2) making battery resulting in bodily injury a Class D felony instead of a Class A misdemeanor; (3) increasing intimidation from a Class A misdemeanor to a Class D felony.

(C) It makes the fact that a murder victim was a community policing volunteer an aggravating circumstance when determining whether to impose a sentence of life imprisonment without parole or death on the person convicted of committing the murder.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** Community policing volunteers are part of community policing initiatives developed in the early 1990's to improve the relationships between local police departments. Currently, there are active programs in Gary, South Bend, Fort Wayne, Indianapolis, and Elkhart.

Provision B: If a Class A misdemeanor is enhanced to be a Class D felony, state expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to

house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Provision C: Adding the murder of a community policing volunteer as an aggravating circumstance could increase the involvement of the Office of Attorney General and the State Public Defender's Office if more death penalty cases are filed because of this bill. More death penalty cases could increase requests for reimbursements to counties from the Public Defense Fund, which reimburses counties 50% for the cost of defending indigent persons tried in capital cases.

Public Defense Fund expenditures for FY 1996 through FY 2000 for partially reimbursing counties for the costs of capital cases are provided in the following table.

FY	1996	1997	1998	1999	2000
Expenditure	\$505,165	\$371,047	\$799,450	\$526,512	\$578,209

The Fund also partially reimburses counties for the costs of noncapital cases as provided in the following table.

FY	1996	1997	1998	1999	2000
Expenditure	\$668,747	\$628,841	\$1,031,467	\$2,188,699	\$3,302,471

The Public Defense Fund receives \$2.4 M annually in transfers from the General Fund generated from court fees.

**Explanation of State Revenues:** Provision B: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class B misdemeanor is \$1,000, the fee for a Class A misdemeanor is \$5,000, while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

**Explanation of Local Expenditures:** Provision B: For cases involving simple battery, increasing a misdemeanor from a Class B to a Class A could increase the amount of time that an offender spends in jail. The maximum sentence for a Class B misdemeanor is 180 days in jail while the maximum sentence for a Class A misdemeanor is 360 days. As proposed for cases involving either intimidation or battery causing bodily injury, the costs to the county may be reduced if an offender is sentenced to state prison rather than to a county jail. If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Provision C: Local expenditures may increase if a prosecuting attorney decides to seek the death penalty against a defendant. Research indicates that the trial and appeals costs for death penalty cases can be two to

three times more than the current range of \$37,000 and \$90,000 spent to impose prison sentences. (Death penalty case costs are further inflated due to additional police investigation and court time, prosecution resources expended, or the costs of a lengthy jury trial with a sequestered jury.) These expenses would be covered by the county general fund.

**Explanation of Local Revenues:** Court fees for both misdemeanors and felonies are \$120.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts; local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Division of State Court Administration.