

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

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6467

BILL NUMBER: HB 1093

DATE PREPARED: Nov 21, 2000

BILL AMENDED:

SUBJECT: Operating a Vehicle While Intoxicated.

FISCAL ANALYST: Sherry Fontaine

PHONE NUMBER: 232-9867

FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill increases the penalty for operating a motor vehicle while intoxicated and causing serious bodily injury to another person: (1) from a Class D felony to a Class C felony; and (2) from a Class C felony to a Class B felony for two unrelated convictions that occur within a five-year period. The bill increases the penalty for operating a motor vehicle while intoxicated and causing the death of another person: (1) from a Class C felony to a Class B felony; and (2) from a Class B felony to a Class A felony for two unrelated convictions that occur within a five-year period. It also makes conforming amendments.

Effective Date: July 1, 2001.

Explanation of State Expenditures: This bill increases the penalties for operation a motor vehicle while intoxicated and causing serious bodily injury or death to another person. The following prison terms apply: (1) a Class A felony is punishable by a prison term ranging from 20 to 50 years depending upon mitigating and aggravating circumstances; (2) a Class B felony is punishable by a prison term ranging from six to twenty years depending upon mitigating and aggravating circumstances; (3) a Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances; and (4) a Class D felony is punishable by a prison term ranging from six months to three years or reduction to a Class A misdemeanor.

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 for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities is as follows: (1) for all Class A felony offenders it is approximately eight years, four months; (2) for all Class B felony offenders it is approximately three years, six months; (3) for all Class C felony offenders it is approximately two years; and (4) for all Class D felony offenders it is approximately ten months.

Explanation of State Revenues: No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for Class D, C, B and A felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues: No additional revenues would be expected since the court fees for Class D, C, B and A felonies are the same.

State Agencies Affected: Department of Correction.

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

Information Sources: Indiana Sheriffs Association, Department of Correction.