

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

301 State House
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FISCAL IMPACT STATEMENT

LS 6162

BILL NUMBER: HB 1009

DATE PREPARED: Oct 27, 2001

BILL AMENDED:

SUBJECT: Criminal Confinement and Kidnapping.

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a person commits kidnapping, a Class A felony, if the person: (1) confines another person while carjacking a vehicle; or (2) removes another person from one place to another with a vehicle. The bill increases the penalty for criminal confinement to a Class C felony, or a Class B felony if the other person is less than 14 years of age or if the offense is committed while the defendant is armed with a deadly weapon or results in serious bodily injury.

Effective Date: July 1, 2002.

Explanation of State Expenditures: Under current law, knowingly or intentionally confining a person or removing a person while hijacking a vehicle is kidnapping, a Class A felony. The bill would eliminate the language "while hijacking a vehicle" and specify that confining a person while carjacking or removing a person with a vehicle is kidnapping. The crime would remain a Class A felony for both definitions. Also, the bill increases penalties for criminal confinement from a Class D felony to a Class C. If the victim is less than 14 years of age, serious bodily injury occurs, or a deadly weapon is involved, the offense would increase from a Class C felony to a Class B felony.

There are no data available to indicate if more offenders would be convicted of kidnapping given a change in the definition of the crime. A Class A felony is punishable by a prison term ranging from 20 to 50 years depending upon mitigating and aggravating circumstances. The average length of stay in DOC facilities for all Class A felony offenders is approximately eight years, four months.

The bill would increase the penalty for criminal confinement to a Class C felony. State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from two to eight years. The average length of stay in DOC facilities for all Class D felony offenders

is approximately ten months, while the average length of stay for all Class C felony offenders is approximately two years.

The bill would increase the penalty for criminal confinement under certain circumstances to a Class B felony. A Class B felony is punishable by a prison term ranging from six to twenty years. The average length of stay in DOC facilities for all Class B felony offenders is approximately three years, six months.

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807 per offender. (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.

Explanation of State Revenues: If additional court cases occur by changing the definition of kidnapping and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

No change would likely occur in state revenue as a result of changes to the penalties for criminal confinement since criminal fines and court fees are the same for Class D, C, and B felonies.

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 \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

No additional revenues would be expected for changes to criminal confinement since the court fees for a Class D, Class C, or Class B felony are \$120.

State Agencies Affected: Department of Correction.

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

Information Sources: Indiana Sheriffs Association, Department of Correction.