

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

301 State House
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FISCAL IMPACT STATEMENT

LS 6113

BILL NUMBER: HB 1223

DATE PREPARED: Oct 27, 2001

BILL AMENDED:

SUBJECT: Cruelty to an Animal.

FISCAL ANALYST: Karen Firestone

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes committing cruelty to an animal a Class D felony instead of a Class A misdemeanor. However, the offense is a Class C felony instead of a Class D felony if the person who commits the offense has a previous, unrelated conviction for committing cruelty to an animal.

Effective Date: July 1, 2002.

Explanation of State Expenditures: 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 DOC facilities for all Class D felony offenders is approximately ten months.

Additionally, 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 C felony offenders is approximately two years.

Explanation of State Revenues: 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 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.

No change would likely occur in state revenue as a result of enhancing the penalty for a second or subsequent offense of cruelty to animals since criminal fines and court fees are the same for either Class D or C felonies.

Explanation of Local Expenditures: 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.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120, and no additional revenues would be expected since the court fees for Class D and Class C are both \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement.

Information Sources: Indiana Sheriffs Association, Department of Correction.