

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

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6249**  
**BILL NUMBER: SB 454**

**DATE PREPARED:** Nov 4, 2001  
**BILL AMENDED:**

**SUBJECT:** Cruelty to Animals.

**FISCAL ANALYST:** Karen Firestone  
**PHONE NUMBER:** 317-234-2106

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

**IMPACT:** State & Local

**Summary of Legislation:** This bill raises the penalty for torturing an animal from a Class A misdemeanor to a Class D felony and removes the recidivist provision, which makes a repeat offense a Class D felony.

**Effective Date:** July 1, 2002.

**Explanation of State Expenditures:** There are no data available to indicate how many offenders are charged with torturing an animal or the repeat offense of torturing an animal. The bill would eliminate the repeat offense, which is currently a Class D felony, and it would increase the penalty for the offense from a Class A misdemeanor to a Class D felony. To the extent that offenders who would have been tried as repeat offenders will receive the same penalty, costs will not change. However, state expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail for the first time offense. 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 \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312. (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.

**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.

**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.

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

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

**Information Sources:** Indiana Sheriffs Association.