

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7370

BILL NUMBER: SB 344

NOTE PREPARED: Jan 9, 2003

BILL AMENDED:

SUBJECT: Penalty for Sexual Relations with Prisoners.

FIRST AUTHOR: Sen. Lubbers

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes it a Class C felony for prison and jail staff to engage in sexual misconduct with a prisoner. (Current law classifies this crime as a Class D felony).

Effective Date: July 1, 2003.

Explanation of State Expenditures: The average length of stay for all Class D felonies is 10 months, while the average length of stay for all Class C felonies is approximately two years. A Class D felony is punishable by a prison term ranging from 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. State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (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.

On average between FY 1997 and 2001, there were seven offenders a year committed to a Department of Correction facility for sexual misconduct with an inmate. Since these offenders would have a later date of release, enhancing this offense from a Class D felony to a Class C felony could increase the number of beds needed if no other changes occur. Based on commitment data reported by the Department of Correction and an effective date of July 1, 2003, an additional eight beds would be needed for DOC facilities by 2005.

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 either Class D or C felonies.

Explanation of Local Expenditures:

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

State Agencies Affected: Department of Correction.

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

Information Sources: Indiana Sheriffs Association, Department of Correction.

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