

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7488

BILL NUMBER: SB 360

NOTE PREPARED: Jan 10, 2003

BILL AMENDED:

SUBJECT: Neglect of a Dependent.

FIRST AUTHOR: Sen. Waterman

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes placing an unborn child in a situation that endangers the unborn child's life or health neglect of a dependent, a Class D felony. It specifies that a person who obtains a lawful abortion does not commit neglect of a dependent and makes conforming amendments.

Effective Date: July 1, 2003.

Explanation of State Expenditures: Under current law a dependent is defined as an unemancipated person who is under 18 years of age or a person of any age who is mentally or physically disabled. The bill would expand the definition to include an unborn child for purposes of describing the crime of neglect of a dependant. Neglect of a dependent is a Class D felony. If the act results in bodily injury or consists of cruel or unusual confinement or abandonment, it is a Class C felony, and if the act results in serious bodily injury, it is a Class B felony.

On average between 1997 and 2001, there were 21 offenders a year admitted to a state facility for the Class D felony, 0 for the Class C felony, and 16 for the Class B felony. There are no data available to indicate how many more offenders may be convicted of neglect of a dependent based on this change in definition.

Depending on the mitigating and aggravating circumstance, a Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, a Class C felony is punishable by a prison term ranging from 2 to 8 years, and a Class B felony is punishable by a prison term ranging from 6 to 20 years. 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 for medical care,

food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D, Class C, or Class B 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.

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.

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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