

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

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**FISCAL IMPACT STATEMENT**

**LS 6692**  
**BILL NUMBER: SB 427**

**NOTE PREPARED: Dec 16, 2002**  
**BILL AMENDED:**

**SUBJECT:** Penalty for providing alcohol to a minor.

**FIRST AUTHOR:** Sen. Antich  
**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

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

**IMPACT:** State & Local

**Summary of Legislation:** The bill makes providing alcohol to a minor a Class B misdemeanor instead of a Class C misdemeanor if the person who provides the alcohol to a minor has a prior unrelated conviction for the same crime. It provides that a person who provides alcohol to a minor commits: (1) a Class A misdemeanor if the minor subsequently operates a motor vehicle with a 0.02 blood alcohol level and suffers serious bodily injury; (2) a Class D felony if the minor dies; (3) a Class D felony if the minor suffers serious bodily injury and the person has a prior unrelated conviction for providing alcohol to a minor; and (4) a Class C felony if the minor dies and the person has a prior unrelated conviction for providing alcohol to a minor.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** Under current law, recklessly selling, bartering, exchanging, providing, or furnishing alcohol to a minor is a Class C misdemeanor. Under the bill, the offense would be a Class B misdemeanor, a Class A misdemeanor, a Class D felony, or a Class C felony depending on the circumstance or outcome of the crime. There are no data available to indicate how many offenders are convicted of providing alcohol to a minor or how many of those offenders may qualify for the various enhanced penalties.

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. Depending on the aggravating and mitigating circumstances, a Class D felony is punishable by a prison term ranging between six months and three years or reduction to Class A misdemeanor. A Class C felony is punishable by a prison term ranging between two and eight years. 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 per offender for medical care, food, and clothing is approximately \$1,825

annually, or \$5 daily. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** Revenue to the Common School Fund may increase if a person is sentenced for a Class B misdemeanor, a Class A misdemeanor, or a Class D or Class C felony rather than for a Class C misdemeanor. The maximum fine for a Class C misdemeanor is \$500, while the maximum fine for a Class B misdemeanor is \$1,000, and for a Class A misdemeanor is \$5,000. The maximum fine for both a Class D and a Class C felony is \$10,000. Court fees of \$120 would remain unchanged.

**Explanation of Local Expenditures:** Costs to local governments could increase because the maximum term of imprisonment for a Class C misdemeanor is up to 60 days, while the maximum term for a Class B misdemeanor is up to 180 days and the maximum term for a Class A misdemeanor is up to one year. However, if an offender is sentenced to state prison rather than county jail for a felony conviction, costs to the county may be reduced. The average daily cost of housing a prisoner is approximately \$44.

**Explanation of Local Revenues:** Court fees of \$120 would remain unchanged.

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

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

**Information Sources:** Indiana Sheriffs Association.

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