

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6706
BILL NUMBER: SB 173

NOTE PREPARED: Dec 15, 2003
BILL AMENDED:

SUBJECT: Operating a Vehicle While Intoxicated.

FIRST AUTHOR: Sen. Mrvan
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes operating a vehicle while intoxicated and causing the death of another person a Class B felony instead of a Class C felony.

Effective Date: July 1, 2004.

Explanation of State Expenditures: Under current law, operating a vehicle while intoxicated and causing the death of another is a Class C felony. However, the offense is a Class B felony if the offender had committed a prior unrelated conviction within the last five years. To the extent that the average length of stay for all Class C felonies is approximately 2.0 years and for all Class B felonies is 3.7 years, state expenditures would increase because an offender would be incarcerated in a state prison for a longer period of time.

A Class C felony is punishable by a prison term ranging between 2 and 8 years, depending upon mitigating and aggravating circumstances. 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 \$26,825 in FY 2002. (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.

Since offenders would have a later date of release, enhancing this offense from a Class C felony to a Class B felony could increase the number of beds needed if no other changes occur. In FY 2002 and FY 2003, 31 offenders were committed to the Department of Correction (DOC) facilities for the Class C felony offense. Based on the change in the average length of stay, the commitment data reported by DOC, and an effective date of June 30, 2004, an additional 53 beds would be needed for DOC facilities by FY 2007.

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 C or B felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues: No additional revenues would be expected since the court fees for Class C and Class B 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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