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**FISCAL IMPACT STATEMENT**

**LS 6919**

**BILL NUMBER: SB 475**

**NOTE PREPARED: Feb 20, 2004**

**BILL AMENDED: Feb 19, 2004**

**SUBJECT:** Community Transition Program.

**FIRST AUTHOR:** Sen. Kenley

**FIRST SPONSOR:** Rep. Kuzman

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

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

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- A. It provides a range of dates under which a person is eligible for release to a community transition program.
- B. It provides that a person may be disciplined for refusing to participate in a community transition program.
- C. It provides that a person who is eligible for release to a community transition program may object to the person's placement in the program.
- D. It allows the Department of Correction (DOC) to transport an offender to a community transition program location within the first seven days of when an offender is assigned to the program. Under current law, DOC must transport the person within the first day.
- E. It provides that a person convicted of murder may be assigned to a community transition program.
- F. It provides that the Department of Correction may restrict visitation between a person less than 18 years of age and certain incarcerated sex offenders.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** (Revised) *Provision A:* Under current law, the length of time for placement in a community transition program is limited to a specific number of days. As proposed, the minimum length of time that an offender can be in a community transition program is 30 days.

Mandatory Days For Participation in Program							
Felony Class	D	C	C *	B	B*	A	A *
Current Law	60	90	120	120	180	120	180
Proposed	30 to 60	30 to 90	30 to 120	30 to 120	30 to 180	30 to 120	30 to 180

\* If drug related offense.

DOC currently pays the counties that accept offenders into a community transition program \$15 per day. If offenders participate in fewer days, then DOC could reduce expenditures for the program.

On the other hand, more offenders may participate in the community transition program if they may participate for fewer days. Staff at DOC indicate that some offenders who are completing educational and vocational programs have not been placed in a community transition program because they do not meet the timelines specified under current statute.

*Provision B:* DOC indicates that some offenders who have been assigned to the community transition programs refuse to comply with the rules and regulations of the programs. This provision gives DOC the explicit authority to take disciplinary actions against these offenders. Disciplinary actions could include the return to DOC facilities, the loss of credit time, demotion in disciplinary class, and loss of ability to participate in programs in DOC facilities.

As proposed, the administrator of the community transition program may deny credit time to the offender, lengthening the stay of the offender in the program. Depending on the actions taken by the local administrator, lengthening the stay of the offender in the program would increase the cost to DOC at the current rate of \$15 per day.

*Provision C:* Under current law, offenders have the right to refuse to be placed in the program. Refusal may be because they wish to complete a program in the correctional facility or for some other reason. As proposed, the offender is no longer entitled to refuse to be placed in the program but may submit a written statement objecting to placement in the community correction program or may request a delay in commencing the community transition program until after completing a program in a DOC facility. DOC staff indicate that offenders who are in the middle of completing an educational or vocational program may wish to remain in DOC and complete the program instead of being released to the community transition program.

*Provision D* could reduce transportation costs to DOC because several offenders could be taken to the same location if staff can wait up to 6 additional days before transporting these offenders.

*Provision E:* Offenders sentenced to DOC for murder are currently not eligible for the community transition program. This bill makes eligible for assignment into a program, those offenders who have been given a determinate sentence for murder and are to be discharged.

The number of offenders sentenced for murder and who might be assigned to the program are not able to be determined. Based on offenders in DOC facilities on December 15, 2003, 209 offenders who are sentenced for murder have earliest possible release dates between FY 2005 and 2009. The following table shows by fiscal year the number of offenders committed for murder who could possibly be released, the counties to which they will be released, and the history of these counties in approving the eligible Class A offenders in community transition programs between FY 2001 and 2003. This table is not intended to predict the number of offenders who will be released to community transition programs.

<b>Offenders Committed for Murder with Earliest Release Dates Between FY 2005 and 2009.</b>									
<b>Includes County Acceptance Information Based on Prior Acceptance History for Class A Felons.</b>									
<b>Felony Class</b>	<b>Year</b>	<b>Number of Offenders</b>	<b>Number of Counties</b>	<b>To Counties Having Accepted Class A Felons</b>		<b>To Counties Not Accepting Class A Felons</b>		<b>To Counties with No Prior History with Class A Felons</b>	
				<b>Offenders</b>	<b>%</b>	<b>Offenders</b>	<b>%</b>	<b>Offenders</b>	<b>%</b>
<b>Murder</b>	2005	24	13	12	50%	7	29%	5	21%
	2006	36	14	22	61%	9	25%	5	14%
	2007	51	21	25	49%	11	22%	15	29%
	2008	58	19	33	57%	13	22%	12	21%
	2009	40	19	18	45%	12	30%	10	25%
<b>Projected Total</b>		209		110	53%	52	25%	47	22%

*Background on Community Transition Program:*

Past Activity- DOC reports the following activity for the Community Transition Program (CTP) for the past three fiscal years.

<b>FY</b>	<b>Class A Felons</b>				<b>Class B Felons</b>			
	<b>Offenders Eligible for CTP</b>		<b>Offenders Approved for CTP</b>		<b>Offenders Eligible for CTP</b>		<b>Offenders Approved for CTP</b>	
	<u>Offenders</u>	<u>Counties</u>	<u>Offenders</u>	<u>Counties</u>	<u>Offenders</u>	<u>Counties</u>	<u>Offenders</u>	<u>Counties</u>
2001	97	25	6	4	1,059	79	116	26
2002	92	26	36	7	1,179	85	296	36
2003	146	31	65	12	1,342	84	364	43

<b>FY</b>	<b>Class C Felons</b>				<b>Class D Felons</b>			
	<b>Offenders Eligible for CTP</b>		<b>Offenders Approved for CTP</b>		<b>Offenders Eligible for CTP</b>		<b>Offenders Approved for CTP</b>	
	<u>Offenders</u>	<u>Counties</u>	<u>Offenders</u>	<u>Counties</u>	<u>Offenders</u>	<u>Counties</u>	<u>Offenders</u>	<u>Counties</u>
2001	1,366	79	227	33	698	79	128	33
2002	1,297	90	382	45	746	75	198	40
2003	1,481	90	486	55	868	80	329	51

Potential Activity Based on Offenders in DOC facilities on December 15, 2003- The following table shows offenders with earliest possible release dates between FY 2005 and FY 2009 and the counties from which these offenders have been sentenced. Under current law, offenders are assigned to community transition programs in the counties from which the offender has been sentenced, and not necessarily where the offender lives. The following table shows how many offenders will be released to counties that have accepted felons into a community transition program in the past, the counties that have not accepted an offender into a community transition program, and those that have no history with felons.

<b>Offenders to be Released Based on Earliest Release Date</b>									
<b>Includes County Acceptance Information Based on Prior Acceptance History</b>									
Felon Class	Year	Number of Offenders	Number of Counties	To Counties that Have Accepted		To Counties that Have Not Accepted		To Counties that Have No Prior History	
				Offenders	%	Offenders	%	Offenders	%
<i>Class A Felons</i>	2005	157	37	104	66%	33	21%	20	13%
	2006	175	39	105	60%	46	26%	24	14%
	2007	191	43	112	59%	53	28%	29	15%
	2008	186	42	108	58%	48	26%	30	16%
	2009	165	40	83	50%	56	34%	26	16%
<i>Class B Felons</i>	2005	1,702	90	1,298	76%	395	23%	9	1%
	2006	1,615	89	1,211	75%	390	24%	14	1%
	2007	1,276	87	945	74%	322	25%	9	1%
	2008	884	83	639	72%	240	27%	5	1%
	2009	558	79	416	75%	138	25%	4	1%
<i>Class C Felons</i>	2005	1,916	88	1,619	84%	295	15%	2	0%
	2006	937	88	759	81%	173	18%	5	1%
	2007	443	74	372	84%	71	16%	0	0%
	2008	200	61	170	85%	29	14%	1	1%
	2009	101	46	83	82%	18	18%	0	0%
<i>Class D Felons</i>	2005	1,054	82	810	77%	236	22%	8	1%
	2006	200	48	153	77%	43	22%	4	2%

*Provision F* – DOC custody staff currently restrict the visitations between child sex offenders and their victims through internal rules. This bill would give DOC the statutory authority to enforce these restrictions.

As of December 15, 2003, the number of offenders in DOC who were housed in DOC facilities for sex offenses against children included the following.

<b>Offenders Housed in DOC Facilities for Sex Crimes Against Children, Dec. 15, 2003</b>	
Child molesting	1,580
Child solicitation	5
Child exploitation	3
Vicarious Sexual Gratification	<u>13</u>
Total Offenders	<u><u>1,601</u></u>

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** Counties with community transition programs currently receive \$15 per day that an offender is in the program.

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

**Local Agencies Affected:** Sentencing courts.

**Information Sources:** Department of Correction.

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