

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6772**

**BILL NUMBER:** HB 1101

**NOTE PREPARED:** Dec 15, 2004

**BILL AMENDED:**

**SUBJECT:** Cocaine Use While Pregnant.

**FIRST AUTHOR:** Rep. Saunders

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that a woman who knows she is pregnant and knowingly or intentionally introduces cocaine into her body commits a Class D felony.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:** There are no data available to indicate how many offenders may be convicted of knowingly or intentionally ingesting cocaine while pregnant, a Class D felony. 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. Assuming 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. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Background Information:** National data indicates that in 2002, 8% of pregnant women who used some form of drug while pregnant, used some form of cocaine. Approximately 85,000 women give birth in Indiana annually.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

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

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

**Information Sources:**

**Fiscal Analyst:** Sarah Brooks, 317-232-9559.