

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6225

BILL NUMBER: HB 1024

NOTE PREPARED: Jan 26, 2006

BILL AMENDED: Jan 19, 2006

SUBJECT: Criminal Confinement.

FIRST AUTHOR: Rep. Smith J

FIRST SPONSOR: Sen. Drozda

BILL STATUS: As Passed House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes criminal confinement a Class C felony instead of a Class D felony. It makes the offense: (1) a Class B felony if the person confined or removed is less than 14 years of age and is not the confining or removing person's child or it is committed by using a vehicle; and (2) a Class A felony if it is committed while armed with a deadly weapon, results in serious bodily injury to a person other than the confining or removing person, or is committed on an aircraft.

Effective Date: July 1, 2006.

Explanation of State Expenditures: The bill increases penalties for criminal confinement from a Class D felony to a Class C. If the victim is less than 14 years of age, the offense would increase from a Class C felony to a Class B felony. Also, using a vehicle in commission of the crime is added to this felony. The bill increases the penalty for Class B felony criminal confinement to a Class A felony.

All things being equal, enhancing these criminal confinement offenses would increase the number of beds needed, because offenders sentenced for these crimes would have a later date of release than those previously convicted. On average between FY 2001 and FY 2005, 90 offenders a year were committed to DOC facilities for Class D criminal confinement, 10 offenders a year were committed for Class C criminal confinement, and 55 offenders a year were committed for the Class B felony. The average length of stay for a Class D felony is 10 months, for a Class C felony is approximately 2 years, for a Class B felony is 3.7 years, and for a Class A felony is 9.1 years.

Based on the commitment data reported by the Department of Correction and an effective date of July 1, 2006,

for the bill, an additional 53 beds would be needed by 2007 for those convicted of criminal confinement after the effective date and an additional 17 beds would be needed by 2008 for those convicted of the enhanced criminal confinement crime. For those convicted of a Class A felony rather than a Class B felony, an additional 297 beds would be needed by 2010.

The average expenditure to house an adult offender was \$20,977 in FY 2005. (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.

Explanation of State Revenues: No additional revenues would be expected for changes to criminal confinement since criminal fines and court fees are the same for a Class D, Class C, Class B, or Class A felony.

Explanation of Local Expenditures:

Explanation of Local Revenues: No additional revenues would be expected for changes to criminal confinement since the court fees for a Class D, Class C, Class B, and Class A felony are \$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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