

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

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6595**

**BILL NUMBER: SB 275**

**NOTE PREPARED:** Feb 2, 2006

**BILL AMENDED:**

**SUBJECT:** Forensic Diversion Programs.

**FIRST AUTHOR:** Sen. Long

**FIRST SPONSOR:** Rep. Foley

**BILL STATUS:** As Passed Senate

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

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that if a person fails to participate in or complete a post-conviction forensic diversion program, a court may: (1) revoke a person's probation; (2) lift a stay of execution of a nonsuspendible part of a sentence; (3) modify the person's sentence; (4) order that the person's suspended sentence be executed; or (5) order the person to serve part of the sentence on work release.

**Effective Date:** July 1, 2006.

**Explanation of State Expenditures:** This bill potentially can result in reduced costs to the state. Under current law, offenders violating the conditions of a forensic diversion program must return to Department of Correction (DOC) facilities for the remainder of their prison term. This bill gives the court the discretion to either order the offender to return to DOC or to serve the remainder of the sentence in a work release program.

The work release program can be at either the state or local level. The bill could reduce the number of offenders currently in forensic diversion programs who would then be returned to DOC facilities for failing to successfully participate in or complete a forensic diversion program. Since the cost of incarceration in a DOC facility is higher than the cost of participating in a work release program, the state could save money if the offender can stay in a work release program instead of being returned to a DOC facility.

*Background Information* – Forensic diversion programs are intended to divert offenders with mental health or substance abuse addictions from jails and state facilities into treatment settings that can help the offender address their underlying problems. Persons are eligible for a forensic diversion program if they:

1. have a mental illness or an addictive disorder;

2. are convicted of a nonviolent offense not involving drug dealing; and
3. have not had a conviction for a violent offense in the past 10 years.

During FY 2006, the Department of Correction funded pilot forensic diversion programs in the following counties.

| <b>Forensic Diversion Pilot Programs Funded by the Department of Correction</b> |           |
|---|-----------|
| Allen County  | \$127,356 |
| Bartholomew County  | \$75,000  |
| Lake County   | \$148,965 |
| LaPorte County  | \$128,473 |
| Shelby County   | \$72,422  |
| Tippecanoe County   | \$150,000 |
| Total Grant Funds   | \$702,216 |

(Note: Marion and Vanderburgh Counties also operate forensic diversion programs, but without state money.)

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Persons who are in a forensic diversion program are placed on probation. The number of persons in forensic diversion programs is currently not available. [This fiscal note will be updated when this additional information becomes available.]

**Explanation of Local Revenues:**

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

**Local Agencies Affected:** Trial courts with criminal jurisdiction; counties with forensic diversion programs (Allen, Bartholomew, Lake, LaPorte, Marion, Shelby, Tippecanoe, and Vanderburgh).

**Information Sources:** Deana McMurray, Department of Correction.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.