

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6913

BILL NUMBER: HB 1221

NOTE PREPARED: Jan 5, 2008

BILL AMENDED:

SUBJECT: Operating a Vehicle Recklessly.

FIRST AUTHOR: Rep. Crouch

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Enhanced Penalty for Bodily Injury and Serious Bodily Injury:* The bill provides that a person who operates a vehicle and recklessly drives at an unreasonable speed that endangers the safety or the property of others or blocks the proper flow of traffic, passes another vehicle from the rear while on a slope or on a curve where vision is obstructed, drives in and out of a line of traffic, speeds up or refuses to give half of the roadway to a driver overtaking and desiring to pass, or passes a school bus stopped on a roadway when the arm signal device is in the device's extended position commits a:

- (1) Class A misdemeanor instead of a Class B misdemeanor if the offense results in bodily injury to another person; and
- (2) a Class D felony instead of a Class B misdemeanor if the offense results in serious bodily injury to another person.

Suspension of Driving Privileges: It requires the court to recommend that the person's driving privileges be suspended for: (1) at least 90 days; and (2) not more than two years; if the offense results in bodily injury or serious bodily injury to another person.

Effective Date: July 1, 2008.

Explanation of State Expenditures: *Suspension of Driving Privileges:* The court notifies the Bureau of Motor Vehicles of a suspended driver's license. No fiscal impact is expected since the court already suspends a person's driving privileges for not less than 30 days or more than one year for a person who operates a vehicle recklessly and damages the property of another person.

Enhanced Penalty for Serious Bodily Injury: The bill increases the penalty from a Class B misdemeanor to a Class D felony if serious bodily injury results. State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances.

The average expenditure to house an adult offender was \$19,185 in FY 2007. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$63,138. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Enhanced Penalty for Bodily Injury:* The bill increases the penalty from a Class B misdemeanor to a Class A misdemeanor if bodily injury occurs. Revenue to the Common School Fund may increase if a person is sentenced for a Class A misdemeanor rather than for a Class B misdemeanor. The maximum fine for a Class B misdemeanor is \$1,000, while the maximum fine for a Class A misdemeanor is \$5,000.

Enhanced Penalty for Serious Bodily Injury: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class B misdemeanor is \$1,000, while the maximum fine for a Class D felony is \$10,000.

Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: *Enhanced Penalty for Bodily Injury and Serious Bodily Injury:* Costs to local governments could increase because the maximum term of imprisonment for a Class B misdemeanor is up to 180 days, while the maximum term for a Class A misdemeanor is up to one year. But, if an offender is sentenced to state prison rather than to a county jail because of a felony conviction, the costs to the county may be reduced.

The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: *Enhanced Penalty for Bodily Injury and Serious Bodily Injury:* Court fees of \$120 would remain unchanged.

State Agencies Affected: Bureau of Motor Vehicles, Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association.

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