

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6527

BILL NUMBER: SB 171

NOTE PREPARED: Jan 29, 2008

BILL AMENDED: Jan 24, 2008

SUBJECT: Crimes Against Persons with a Disability.

FIRST AUTHOR: Sen. Lanane

FIRST SPONSOR: Rep. Porter

BILL STATUS: As Passed Senate

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill makes committing an offense against a person with a disability an aggravating circumstance for sentencing purposes if the defendant knew or should have known that the victim was a person with a disability.

Effective Date: July 1, 2008.

Explanation of State Expenditures: State expenditures would increase if an offender is incarcerated for a longer period of time. There are no data to indicate if offenders would receive a longer sentence if the court may consider that the victim was a person with a disability. Ultimately, any increase in expenditures would depend on the actions of the offender and the sentencing decisions of the court.

Depending upon mitigating and aggravating circumstances, a Class A felony is punishable by a prison term ranging from 20 to 50 years, a Class B felony is punishable by a prison term ranging from 6 to 20 years, a Class C felony is punishable by a prison term ranging from 2 to 8 years, and a Class D felony is punishable by a prison term ranging from 6 months to 3 years or reduction to Class A misdemeanor.

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 for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$63,138.

Explanation of State Revenues: The maximum fine for all felonies is \$10,000, and the maximum fine for a Class A misdemeanor is \$5,000, for a Class B misdemeanor is \$1,000, and for a Class C misdemeanor is \$500. Revenues to the Common School Fund could increase if the court imposes a larger fine based on aggravating circumstances.

Explanation of Local Expenditures: Local expenditures would increase if an offender is incarcerated for a longer period of time in a local jail. Ultimately, any increase in expenditures would depend on the sentence imposed by the court.

A Class A misdemeanor is punishable by a sentence of up to one year in a county jail, a Class B misdemeanor by up to 180 days, and a Class C misdemeanor is punishable by a term of incarceration of up to 60 days. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues:

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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