

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

**LS 7450**  
**BILL NUMBER: SB 540**

**NOTE PREPARED:** Feb 22, 2011  
**BILL AMENDED:**

**SUBJECT:** Discharge of Long-Term Inmates.

**FIRST AUTHOR:** Sen. Waterman  
**FIRST SPONSOR:** Rep. Borders

**BILL STATUS:** As Passed Senate

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

**IMPACT:** State

**Summary of Legislation:** This bill specifies that a period of confinement is consecutive even if an inmate was released on the basis of an erroneous court order, and requires the Department of Correction to identify an offender to the Parole Board and provide certain information if the offender has been consecutively confined for 21 to 25 years, depending on the amount of educational credit time earned by the offender.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** This bill could result in reduced expenditures for the Department of Correction (DOC). LSA found 595 offenders from the in DOC facilities who would be incarcerated for at least 22 years on July 1, 2011. The amount of credit time accrued was not currently available.

Since this bill would affect a limited number of offenders, LSA assumes an annual cost of \$12,775 per offender to represent any potential savings. Since DOC adult facilities are generally at full capacity, a percentage of offenders are confined in county jails for part or all of their terms of incarceration. DOC pays county sheriffs \$35 per day (annual cost of confinement would be \$12,775) for each offender who is sentenced for a felony. If fewer long-term offenders are in DOC facilities, DOC may be able to transfer more offenders to DOC facilities.

**Background** – IC 11-13-3-2 applies to offenders who have been sentenced prior to 1977 and are confined indefinitely. Currently, these offenders would not be eligible for parole. If the exception is made for these offenders, then the Parole Board would review their records. The Parole Board would determine whether the inmate has been rehabilitated and has suitable plans that would warrant discharge from custody.

Prior to a hearing, the Parole Board would order an investigation of the offender and collect the following information (IC 11-13-3-3(b)):

- (1) reports regarding the person's medical, psychological, educational, vocational, employment, economic, and social condition and history;
- (2) official reports of the person's history of criminality;
- (3) reports of earlier parole or probation experiences;
- (4) reports concerning the person's present commitment that are relevant to the parole release determination;
- (5) any relevant information submitted by or on behalf of the person being considered; and
- (6) such other relevant information concerning the person as may be reasonably available.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** See *Explanation of State Expenditures*.

**Explanation of Local Revenues:** See *Explanation of State Expenditures*.

**State Agencies Affected:** DOC, Parole Board.

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

**Information Sources:** DOC Offender Information System.

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