

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6317

BILL NUMBER: HB 1033

NOTE PREPARED: Jan 26, 2012

BILL AMENDED: Jan 23, 2012

SUBJECT: Conversion of Class D Felony to Class A Misdemeanor.

FIRST AUTHOR: Rep. McMillin

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Converting a Class D felony to a Class A Misdemeanor* – It allows a court to convert a Class D felony to a Class A misdemeanor if: (1) the person is not a sex or violent offender; (2) the offense was a nonviolent offense; (3) at least three years have passed since the person completed the sentence; and (4) the person has not been convicted of a new felony. It specifies that a conviction for a Class A misdemeanor that was originally entered as a Class D felony and converted to a Class A misdemeanor under an express sentencing provision is treated as a Class A misdemeanor.
- B. *Converting a Class A Misdemeanor Back to a Class D Felony* – It provides that if a person whose Class D felony conviction has been converted to a Class A misdemeanor conviction is convicted of a felony within five years after the conversion, a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction.

Effective Date: July 1, 2012.

Explanation of State Expenditures: (Revised) The conversion from a Class D felony to a Class A misdemeanor will change the offender's record. However, the offender will have already paid any fines and served any prison sentence required. Consequently, there would be no fiscal impact from this provision.

Converting a Class A Misdemeanor Back to Class D Felony – It is possible that some persons who are convicted of future felonies may have their time in prison increased because of habitual enhancements under

IC 35-50-2-8.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction

Local Agencies Affected:

Information Sources:

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