

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

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**FISCAL IMPACT STATEMENT**

**LS 6316**  
**BILL NUMBER: SB 263**

**NOTE PREPARED: Dec 18, 2011**  
**BILL AMENDED:**

**SUBJECT:** Property Crimes.

**FIRST AUTHOR:** Sen. Bray  
**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

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

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. *Clarification of Arrest Powers* – It authorizes a law enforcement officer to arrest a person who has committed theft, even if the theft is not committed in the officer's presence. It provides that a person who breaks and enters with the intent to commit theft commits burglary.
- B. *Changes in Theft Thresholds* – It makes theft a: (1) Class A misdemeanor if the amount of property involved in the theft is less than \$750; (2) Class D felony if the amount is at least \$750 and less than \$50,000, if the item stolen was a firearm, if the person has a prior conviction, or if the offense involved the failure to return a leased motor vehicle; and (3) Class C felony if the amount of property involved is at least \$50,000. It makes the threshold for enhancing the penalty for certain frauds \$50,000.
- C. *Change in Forgery* – It makes forgery a Class D felony (it is currently a Class C felony).
- D. *Inmate Fraud* – It makes inmate fraud a Class D felony if the inmate is in pretrial status, and increases the penalty to a Class C felony if the inmate has been convicted or if the amount involved is at least \$50,000.
- E. *Consolidations and Reorganization of Statutes* – It consolidates certain provisions dealing with application fraud. It removes provisions relating to receiving stolen property, and repeals the criminal conversion statute (transferring the provision concerning leased motor vehicles to the theft statute). It consolidates certain offenses made in connection with government contracts into the deception statute, and repeals redundant provisions. It consolidates provisions relating to interference with drug-screening tests, and repeals a redundant provision. It consolidates cemetery mischief, unlawful acts relating to caves, and computer tampering into the criminal mischief statute, and repeals the redundant statutes.

F. It makes conforming amendments.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:** *Summary*- The bill is estimated to result in savings of \$1.9 M annually, but potentially offset by longer stays for inmate fraud.

*Background Information*- LSA used CY 2010 commitments and the length of stay for offenders who were released in CY 2010 to estimate the potential number of beds saved.

Offense	Beds Saved	
35-43-4-2 Theft, receiving Stolen Property	213	
35-43-4-2.5 Car Theft, receiving Stolen Property	54	
35-43-5-12 Check Fraud	minimal	
35-43-5-2 Forgery	270	
35-43-5-3.5 Identity Deception	minimal	
35-43-5-4 Fraud	minimal	
35-43-5-4.5 Insurance Fraud	minimal	
35-43-5-5 Check Deception	minimal	
35-43-5-7 Welfare Fraud	2	
35-43-5-8 Fraud Financial Institutions	<u>31</u>	
Total Beds Saved		570
Marginal Savings Per Bed		<u>\$3,318</u>
<b>Estimated Savings (in \$ Millions)</b>		<b>\$1.89</b>

Theft – Several categories of theft are restructured. Under the general category of theft, the following changes are proposed.

Proposed Changes in Economic Loss in Theft		
	Current Law	Proposed
Class A Misdemeanor	none	\$750 or less
Class D felony	\$100,000 or less	between \$750 and \$50,000
Class C felony	\$100,000 or more	\$50,000 or more

DOC indicates that most thefts involve property with value of \$750 or less and that few cases fall in the range between \$50,000 and \$100,000. Consequently, any increase in prosecuting theft cases where the value of the property in question is greater than \$50,000 at the higher Class C felony level will be offset by the reduction of offenders committed for theft when the value of the property is less than \$750. The Department of Correction (DOC) estimates that this provision will reduce beds needed by 213 per year.

[DOC and the Criminal Justice Institute are contracting with the Center for Criminal Justice Research to

examine the background of Class D felons who were committed to DOC during a three-month period in FY 2011. One of the data items that the Center will include is the value of the property that was stolen, which may result in additional information becoming available.]

Both auto theft and forgery are Class C felonies and would be made Class D felonies.

For auto theft, DOC anticipates 54 fewer beds needed, as 45 Class C felons would serve 430 days less if they were sentenced as Class D felons.

For forgery, DOC estimates that 270 beds will be saved with this change since 481 Class C felons would be released 205 days sooner if they were Class D felons.

Proposed changes to insurance fraud, check deception, welfare fraud, Medicaid fraud, Insurance fraud, bank fraud, and check fraud offenses will affect certain thresholds of economic loss so that more offenders would be sentenced as D rather than C felons. LSA anticipates that any savings in beds are expected to be minimal. In CY 2010, about 50 offenders were committed to DOC for all of these offenses combined.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

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

**Local Agencies Affected:** Trial Courts.

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

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