

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

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6894**

**BILL NUMBER:** SB 595

**NOTE PREPARED:** Jan 19, 2013

**BILL AMENDED:**

**SUBJECT:** Sentencing for Crimes Involving a Firearm.

**FIRST AUTHOR:** Sen. Mrvan

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

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

**IMPACT:** State

**Summary of Legislation:** This bill provides that a person serving a sentence for a crime that involved the use of a firearm does not earn credit time.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:** This bill is estimated to begin to increase the Department of Correction's (DOC) facility population in 2014 when Class D offenders will remain in DOC for an additional year. The added need for new beds to house these offenders for longer periods of time will peak at 3,900 in 2088.

**Background:** LSA used the average annual commitments between FY 2008 and FY 2012 to estimate the number of offenders who might be committed each year. The average sentence used was the fixed term of incarceration for each offender in the group.

Under current law, offenders in DOC facilities can receive two types of credit time (called "time cuts") that can reduce their length of stay in DOC facilities. First, under IC 35-50-6-3, offenders in the Class I credit classification can receive up to one day off for each day they are compliant with facility rules ("good time" credit). Second, if they are in the Class I credit classification, they can also receive earned credit time by successfully completing educational programs, vocational and technical programs, substance abuse programs, basic life skills programs, and reformative programs. Under this bill, offenders who are sentenced for a crime involving a firearm would receive no credit time or, consequently, time cuts of any sort.

The current length of stay is based on half of the average fixed term of incarceration. Because information on earned credit time was not available, LSA assumed that these offenders will only receive good time credit and are released after serving half of their sentence. The added time is the balance of the sentence because these offenders would serve their entire sentence in DOC facilities.

<b>Offenders Sentenced for Crime Involving a Firearm</b>							
Credit Class	Avg Commits 2008 - 2012	Avg. Sentence	Current Length of Stay	Added Time	Date of Sentence	Current Release Year	New Release Year
Class A	18	32	16	16	2013	2029	2045
Class B	176	11	5.5	5.5	2013	2019	2024
Class C	227	4	2	2	2013	2015	2017
Class D	41	2	1	1	2013	2014	2015
Murder	6	75	37.5	37.5	2013	2051	2088

The average expenditure to house an adult offender was \$18,582 in FY 2012. (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 \$3,233.90 annually, or \$8.86 daily, per prisoner.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

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

**Local Agencies Affected:**

**Information Sources:** Department of Correction.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.