FISCAL IMPACT STATEMENT

LS 7152
BILL NUMBER: HB 1359
NOTE PREPARED: Jan 25, 2018
BILL AMENDED: Jan 18, 2018

SUBJECT: Drug Dealing Resulting in Death.
FIRST AUTHOR: Rep. Steuerwald
FIRST SPONSOR:
BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL
IMPACT: State & Local

Summary of Legislation: This bill makes manufacturing or dealing certain controlled substances resulting in the death of a user: (1) a Level 1 felony if the controlled substance is cocaine, methamphetamine, or a schedule I, II, or III controlled substance; (2) a Level 2 felony if the controlled substance is a schedule IV controlled substance; and (3) a Level 3 felony if the controlled substance is a schedule V controlled substance or a synthetic drug or synthetic drug lookalike substance. It also makes conforming amendments.

Effective Date: July 1, 2018.

Explanation of State Expenditures: OFMA cannot determine the potential effect that this bill would have on DOC’s offender population.

The following table illustrates the likelihood that a person will be confined in DOC and the average executed sentence for drug related felonies for Level 2 through 4 and all Level 1 felonies.

This summary is based on data from the Indiana Supreme Court abstracts of judgment.
<table>
<thead>
<tr>
<th>Drug Being Dealt</th>
<th>Current Highest Felony Level</th>
<th>Proposed Highest Felony Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cocaine, Methamphetamine, or Schedule I, II, or III Controlled Substance</td>
<td>Level 2 – 75% have executed sentence of 9.9 years</td>
<td>Level 1 – 99% have executed sentence of 28.7 years</td>
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<tr>
<td>Schedule IV</td>
<td>Level 3 – 70% have executed sentence of 7.3 years</td>
<td>Level 2 – 75% have executed sentence of 9.9 years</td>
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<td>Schedule V</td>
<td>Level 4 - 67 % have executed sentence of 5.1 years</td>
<td>Level 3 – 70% have executed sentence of 7.3 years</td>
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<tr>
<td>Synthetic Drugs or Synthetic Drug Lookalike Substance</td>
<td>Level 5 – 33% have executed sentence of 2.8 years</td>
<td>Level 3 – 70% have executed sentence of 7.3 years</td>
</tr>
</tbody>
</table>

The average expenditure to house an adult offender was $20,335 in FY 2017. (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 $3,376 annually, or $9.25 daily, per prisoner. These marginal cost estimates are based on contractual agreements with food and medical vendors and projections based on prior years for clothing and hygiene.

**Explanation of State Revenues:** No change in revenue is expected. Courts fees and fines are the same for all felony levels.

**Explanation of Local Expenditures:** *Population in County Jails Awaiting Trial* – A greater percentage of offenders are confined in pretrial detention for longer periods of time with the increase in felony level.

*Population in Confinement and Community Supervision* – After release from either DOC or court sentencing, 60% to 70% of offenders with Levels 2 through 4 felonies are assigned to community supervision. Level 3 and 4 felons are generally supervised for between 4 and 5 years, while Level 1 and 2 felons are supervised for over 6 years. About 93% of persons who are convicted and sentenced for a dealing in a synthetic or look-a-like substance are either confined in a county jail, assigned to community supervision or both after either being sentenced by a court or released from a DOC facility.

**Explanation of Local Revenues:** No change in revenue is expected. Courts fees are the same for all felony levels.

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

**Local Agencies Affected:** Courts with criminal jurisdiction, prosecuting attorneys, county sheriffs, community corrections agencies and probation departments.

**Information Sources:** Abstracts of judgment, Indiana Supreme Court, Department of Correction.

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