

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

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FISCAL IMPACT STATEMENT

LS 6450
BILL NUMBER: HB 1331

NOTE PREPARED: Dec 3, 2020
BILL AMENDED:

SUBJECT: Strangulation.

FIRST AUTHOR: Rep. Gore
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill enhances the penalties for strangulation.

Effective Date: July 1, 2021.

Explanation of State Expenditures: This bill has two provisions. First, it will enhance strangulation as a Level 6 felony to a Level 5 felony and enhance Level 5 strangulation to a Level 4 felony. Secondly, it will designate all crimes of strangulation as “crimes of violence”

Enhancements – The following table shows the estimated increase to DOC’s population from these two enhancements and the added costs based on an annual marginal cost of \$3,524.

	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Level 6 to Level 5		39	66	66	66	66	66
Level 5 to Level 4			5	10	15	15	15
Total		39	71	76	81	81	81
Estimated Cost*		\$137,436	\$250,204	\$267,824	\$285,444	\$285,444	\$285,444

* Based on annual marginal cost of \$3,524

Crimes of Violence – Under current law, persons convicted and sentenced for strangulation as a Level 5 felony are designated as “crimes of violence”. As proposed, Level 6 felons would now be Level 5 felons and would now be committing a “crime of violence”.

First, persons who are convicted and sentenced for a crime of violence are ineligible for certain occupational licenses. Both the Professional Licensing Agency and the Department of Homeland Security will be required to screen applicants to determine whether they have committed any strangulation felony before being granted certain occupational licenses. The Professional Licensing Agency should be able to implement this requirement with existing resources.

Second, if the crimes were not crimes of violence, then current law caps the consecutive terms of sentences which these persons may need to serve when more than one crime was committed in a single episode. Consequently, persons who are convicted of more than one crime that includes strangulation in a single episode could be given longer prison terms if their consecutive terms are not capped by current statute. Having more offenders not qualify for this statutory cap would increase DOC’s future population. OFMA cannot determine how this might affect future prison population levels. [An average 39 new offenders who were Level 6 felons and now Level 5 felons would be committed to DOC each year and would be affected by this requirement.]

Third, parole agents employed by DOC are required to prepare a community investigation report about a person if the person is 1) sentenced for a crime of violence, 2) committed to DOC, and 3) is to be supervised on parole (IC 11-13-3-3(n)(1)). Adding 39 new offenders who are sentenced for Level 5 strangulation will increase the number of community investigation reports that need to be prepared before being released on parole.

A “community investigation” reports on the attitudes and opinions of: (1) the community in which the crime occurred; (2) law enforcement officers who have jurisdiction in the community in which the crime occurred; (3) the victim of the crime or the victims’s relatives or friends; (4) friends of the offender (IC 11-13-3-3 (m)).

According to the staffing report obtained from the State Personnel Department, DOC employed 145 parole officers on December 1, 2020.

Explanation of State Revenues:

Explanation of Local Expenditures: Enhancing strangulation from felony levels 5 and 6 to felony levels 5 and 4 could increase the pretrial population in county jails. The following table shows the percentage of persons who were convicted and sentenced for strangulation of Level 6 and Level 5 felonies and the percentage of persons who were convicted and sentenced for a Level 4 felony as a violent crime.

Percentage of Offenders with Pretrial Credit		
Level 6	Level 5	Level 4
86%	90%	94%

The average cost per day to incarcerate a prisoner is approximately \$54 based on the per diem payments reported by U.S. Marshals to house federal prisoners in 16 county jails across Indiana during federal FY 2017.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction; Professional Licensing Agency.

Local Agencies Affected: County sheriffs, prosecution attorneys, courts with criminal jurisdiction.

Information Sources: Department of Correction, Abstracts of Judgement Indiana Supreme Court, Indiana Code. U.S. Marshals.

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