

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

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**FISCAL IMPACT STATEMENT**

**LS 7320**  
**BILL NUMBER: HB 1478**

**NOTE PREPARED: Feb 11, 2021**  
**BILL AMENDED:**

**SUBJECT: Battery Against Emergency Room Staff.**

**FIRST AUTHOR: Rep. Engleman**  
**FIRST SPONSOR:**

**BILL STATUS: CR Adopted - 1<sup>st</sup> House**

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

**IMPACT: State & Local**

**Summary of Legislation:** This bill amends the definition of "emergency medical services provider" for the offense of battery to include a staff member in the emergency department of a hospital.

**Effective Date:** July 1, 2021.

**Explanation of State Expenditures:** This bill should cause a minor addition in DOC's offender population. Under current law, persons who touch other persons in a rude, insolent, or angry manner or place any bodily fluid or waste on other persons commit a Class B misdemeanor. The crime is a Class A misdemeanor if these actions result in bodily injury. As proposed, a person would commit either a Level 6 or Level 5 felony for these battery offenses if the person assaulted a staff member in the emergency department of a hospital.

Of the persons who have been convicted and sentenced for battery as a Level 6 felony, 8% were committed to DOC with an average sentence of 1.4 years. Of the persons who have been convicted and sentenced for battery that caused bodily injury, 46% were committed to DOC facilities with an average 2.6 years.

The average expenditure to house an adult offender in a DOC facility was \$21,551 annually, or \$59 daily, during FY 2020. (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 estimated at \$3,524 annually, or \$9.66 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:** More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class B misdemeanor is \$1,000

and the maximum fine for a Class A felony is \$5000 while the maximum fine for any felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

**Explanation of Local Expenditures:** This bill could increase the pretrial population in county jails if the person is charged with an enhanced felony.

If an offender is sentenced to state prison rather than to a county jail, the costs to the county for post trial confinement may be reduced. The maximum term of imprisonment for a Class B misdemeanor is up to 180 days, and the maximum term of imprisonment for a Class A misdemeanor is one year.

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.

**Local Agencies Affected:** County jails, courts with criminal jurisdiction, prosecuting attorneys.

**Information Sources:** Abstracts of Judgment, Indiana Supreme Court; U.S. Department of Justice Marshals Service; Indiana Code.

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