

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

LS 6653
BILL NUMBER: SB 158

NOTE PREPARED: Dec 17, 2024
BILL AMENDED:

SUBJECT: Public Safety.

FIRST AUTHOR: Sen. Freeman
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person who knowingly, intentionally, or recklessly operates a vehicle in a repeated or continuous manner with the intent of causing a rotational skid commits reckless driving, a Class B misdemeanor, and increases the penalty if certain circumstances apply.

The bill specifies that a person may request specialized driving privileges even after the initial hearing. It also specifies that a vehicle used to commit reckless driving involving a rotational skid or obstruction of traffic involving a rotational skid is subject to seizure for purposes of civil forfeiture.

The bill increases the penalty for resisting law enforcement to a Level 5 felony if a person operates a vehicle in a manner that creates a substantial risk of bodily injury to another person. It also makes conforming amendments.

Effective Date: July 1, 2025.

Explanation of State Expenditures: *Summary* - This bill could result in an increase of \$2.2 M in FY 2026 and \$4.7 M in FY 2027 for enhancing resisting law enforcement from a Level 6 to Level 5 felony. OFMA could not estimate the added population to the Department of Correction (DOC) facilities for the other provisions in the bill.

Additional Information - OFMA estimates that an average of 882 people are convicted and sentenced for resisting law enforcement as a Level 6 felony that involves operating a vehicle in a manner that creates a substantial risk of bodily injury to another person. Individuals convicted and sentenced for a Level 5 felony are more likely to be confined in a DOC facility compared to those convicted and sentenced for Level 6 felonies. The estimated impact of enhancing resisting law enforcement while operating a vehicle in a manner that creates a substantial risk of bodily injury to another person from a Level 6 to a Level 5 felony would result in an increase of \$2.2 M for FY 2026 and \$4.7 M for FY 2027. The estimate assumes that 465 additional people would be confined in DOC facilities in FY 2026 and 1,004 beginning in FY 2027. The added costs are based on the marginal cost of confinement, \$4,719.

A Level 5 felony is punishable by a prison term ranging from 1 to 6 years, with an advisory sentence of 3 years. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$29,432 annually, or \$80.58 daily, in FY 2024. (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 \$4,719 annually, or \$12.93 daily, per prisoner. The marginal cost estimates are based on contractual agreements with food and medical vendors and projections based on prior years for clothing and hygiene.

[The estimated average cost of housing a juvenile in a state juvenile facility was \$113,108, or \$309.67 daily, in FY 2024. The marginal cost for juvenile facilities was \$8,778 annually or \$24.05 daily.]

Explanation of State Revenues: Summary - The bill could increase Class B misdemeanor, Class A misdemeanor, Level 6 felony, and Level 5 felony convictions in the state, but it could also decrease Class C infraction and Class C misdemeanor offenses pertaining to motor vehicle operation. The bill is expected to increase total revenue to the Common School Fund from fines, however any increase in revenue is likely to be small.

Additionally, the bill could increase General Fund revenue from the sale of vehicles seized through civil forfeiture. Increases in General Fund revenue are indeterminable but expected to be small.

Additional Information -

Obstruction of Traffic: Under current law, individuals who commit obstruction of traffic can be convicted of a Class A misdemeanor if the obstruction includes the use of a motor vehicle. The bill also applies this Class A misdemeanor offense if the vehicle performs reckless driving involving a rotational skid. Because a rotational skid requires a vehicle to be in operation and used to obstruct traffic, it is assumed this provision will have no impact on Class A misdemeanor convictions in the state.

Resisting Law Enforcement/Interfering with Public Safety Enhancement: No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Level 6 or Level 5 felonies.

Civil Forfeiture: After a seized vehicle is sold through civil forfeiture, investigation and attorney costs are the first items to be repaid with the sale of the vehicle. Of the remaining amounts, proceeds from vehicles sold through civil forfeiture are split between three different destinations, with the General Fund receiving a portion of the revenue.

Reckless Driving Involving Rotational Skid: Individuals who engage a motor vehicle in a rotational skid could currently be subject to either (1) a Class C infraction for a violation of motor vehicle law under IC 9-21-8, (2) a Class C misdemeanor for reckless vehicle operation, or (3) a Class A misdemeanor for reckless vehicle operation if the act results in bodily injury. The bill would enhance these penalties to either a Class B misdemeanor, Class A misdemeanor, Level 6 felony, or Level 5 felony depending on mitigating and aggravating circumstances. The following table shows current and proposed penalties for offenses impacted in the bill.

Offense	Current Penalty	Proposed Penalty
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Operating vehicle with a rotational skid	Class C infraction	Class B misdemeanor
Reckless vehicle operation involving a rotational skid	Class C misdemeanor	Class B misdemeanor
Reckless vehicle operation involving a rotational skid and causes bodily injury	Class A misdemeanor	Level 6 felony
Operating a vehicle involving a rotational skid and endangering a person	Class C infraction/Class C misdemeanor	Class A misdemeanor
Reckless vehicle operation involving a rotational skid and causes death	Class A misdemeanor	Level 5 felony

For infraction enhancements, the bill potentially increases revenue to the Common School Fund, but decrease revenue deposited in the General Fund. For misdemeanor enhancements, revenue to the Common School Fund may increase if a person is sentenced for a either a Class A or Class B misdemeanor rather than for a Class C misdemeanor.

The maximum fine for a Class C infraction and a Class C misdemeanor is \$500. The fine for (a) a Class B misdemeanor is \$1,000, (2) a Class A misdemeanor is \$5,000, and (3) for all felonies is \$10,000. Besides the issuance of fines, the sentencing court may assess a criminal costs fee if a guilty verdict is entered. The court fee for an infraction is \$70, while the court fee for a misdemeanor is \$120. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

Explanation of Local Expenditures: *Infraction and Misdemeanor Enhancement* - Local expenditures could increase if offenders are incarcerated in local jails instead of being only fined. By enhancing Class C misdemeanor convictions to Class B misdemeanors, Class A misdemeanors, Level 6 felonies, or Level 5 felonies, the bill could impact local incarceration expenditures. The maximum term of imprisonment for a Class C misdemeanor is up to 60 days, while the maximum term for a (1) Class B misdemeanor is up to 180 days and (2) Class A misdemeanor is up to one year. Any net impact to local governments is likely to be small.

Felony Enhancement - If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. Generally, percentage of people confined in a county jail before trial will increase as the severity of the felony level increases. The percentage of people who are assigned to community supervision (probation and community corrections will also vary between the felony level and whether the offense involved any type of bodily injury. If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced.

The average daily cost of housing an offender in jail is \$64.53 based on the per diem payments reported by U.S. Marshals to house federal prisoners in 11 county jails across Indiana during CY 2021. There is no term of imprisonment for an infraction.

Explanation of Local Revenues: *Infraction Enhancement* - Local governments could receive additional revenues from any court fees that are collected for cases that were infractions and are now misdemeanors. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

Misdemeanor Enhancement & Resisting Law Enforcement - Court fees for both misdemeanors and felonies are the same.

Civil Forfeiture - After a seized vehicle is sold through civil forfeiture, investigation and attorney costs are the first items to be repaid with the sale of the vehicle. Of the remaining amounts, proceeds from vehicles sold through civil forfeiture benefit the local general fund and the county law enforcement fund of the local unit that employs the law enforcement officer that seizes the vehicle.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: U.S. Department of Justice Marshals Service; Indiana Supreme Court, Indiana Trial Court Fee Manual; Abstracts of Judgment; Odyssey Case Management System.

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