

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

200 W. Washington St., Suite 301
Indianapolis, IN 46204
(317) 233-0696
iga.in.gov

FISCAL IMPACT STATEMENT

LS 6718
BILL NUMBER: SB 194

NOTE PREPARED: Feb 1, 2021
BILL AMENDED: Jan 28, 2021

SUBJECT: Obstruction of Traffic.

FIRST AUTHOR: Sen. Baldwin
FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill increases the penalty for obstruction of traffic under certain circumstances.

Effective Date: July 1, 2021.

Explanation of State Expenditures: The current penalty for obstruction of traffic can be either a Class B misdemeanor, a Class A misdemeanor or a Level 6 felony if the offense results in serious bodily injury. This bill enhances obstruction of traffic from a Class A misdemeanor to a Level 6 felony if the person blocks certain emergency vehicles who are performing official duties. It also enhances obstruction of traffic to a Level 5 felony if it results in either catastrophic bodily injury or death.

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Level 6 felony is punishable by a prison term ranging between six and 30 months, with an advisory sentence of 1 year, and a Level 5 felony is punishable by a prison term between one and six years.

The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$21,551, or \$59 daily, in FY 2020. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost per offender for medical care, food, and clothing is approximately \$3,524 annually, or \$9.66 daily.

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 A misdemeanor is \$5,000, while the maximum fine for any felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average cost per day to incarcerate a prisoner is \$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: Trial courts; local law enforcement agencies.

Information Sources: Department of Correction; U.S. Department of Justice Marshals Service.

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