

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

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**FISCAL IMPACT STATEMENT**

**LS 6916**

**BILL NUMBER:** HB 1648

**NOTE PREPARED:** Jan 9, 2023

**BILL AMENDED:**

**SUBJECT:** Release from Department of Correction and Parole.

**FIRST AUTHOR:** Rep. Morris

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

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

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. *Eligibility for Medical Reprieve or Geriatric Reprieve* – It requires that the Department of Correction (DOC) evaluate the inmates confined to the custody of the DOC to determine whether an inmate is eligible for medical reprieve or geriatric reprieve. It sets forth the eligibility requirements for medical reprieve and geriatric reprieve.
- B. *Incentive Program* – It establishes a program that incentivizes educational achievement, stable employment, and completion of treatment under certain mental health or addiction programs by reducing the term of parole for a parolee.
- C. It makes conforming changes.

**Effective Date:** July 1, 2023.

**Explanation of State Expenditures:** *Eligibility for Medical Reprieve or Geriatric Reprieve* – This provision adds new responsibilities to the Parole Board. The new requirement is within the Parole Board's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

*Department of Correction (DOC)* – Any reduction in DOC's offender population would be at the discretion of the Parole Board. The Parole Board would review an inmate's offender progress report.

The bill requires the DOC to provide reports to the General Assembly no later than September 1 annually. This requirement should be within the DOC's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

**Additional Information** – The following table estimates the potential number of offenders who might qualify for a review for either a geriatric or medical reprieve. OFMA accounted for the age of each offender in FY 2024, their expected time served and their current medical or health status. If some of these offenders do not qualify for the geriatric reprieve, they may qualify for the medical reprieve.

<b>Does Offender Have Medical or Health Issues?</b>	<b>Between 55 and 60 Years Old and More than 15 Years Time Served</b>	<b>Between 60 and 65 and More than 10 Years Time Served</b>	<b>Older than 65 and 5 or More Years Served</b>	<b>Totals</b>
No	462	488	626	1,576
Yes	44	65	97	206
Totals	506	553	723	1,782

Source: DOC Offender Information System – One Day Count of Offenders on July 1, 2022

The following table shows the number of offenders younger than 55 and with health or medical conditions identified by DOC.

<b>Number of Offenders Younger than 55 years with Health Issues by Time Served in Years</b>				
<b>15 Years or More</b>	<b>Between 10 and 15 Years</b>	<b>Between 5 and 10 Years</b>	<b>Less than 5 Years</b>	<b>Grand Total</b>
129	123	116	967	1,335

Source: DOC Offender Information System – One Day Count of Offenders on July 1, 2022

The Parole Board currently has 5 board members and 4 administrative assistants who hold about 200 hearings per month ranging from clemency hearings to parole violations.

***Incentive Program*** – DOC would be required to establish a system of earned parole incentives for parolees to reduce their terms of parole and account for educational achievement, employment, and completion of treatment under mental health or addiction programs. This new system should be within the DOC's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

DOC estimates as many as 800 persons who are on parole might qualify under this program.

***Incarceration Costs*** – The average expenditure to house an adult offender was \$27,185 annually, or \$74.43 daily, in FY 2022. (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 \$4,456 annually, or \$12.21 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:**

**Explanation of Local Expenditures:** The sentencing court would be required to notify the prosecuting attorney that an offender who may be discharged from the custody of the DOC. A prosecuting attorney who receives notice under this subsection shall notify all victims of the crime for which the inmate is confined to the custody of the DOC, if applicable, of the inmate's possible discharge from DOC.

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction; Indiana Parole Board.

**Local Agencies Affected:** Courts with criminal jurisdiction; prosecuting attorneys.

**Information Sources:** Department of Correction.

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