

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

LS 6453

BILL NUMBER: HB 1211

NOTE PREPARED: Dec 30, 2025

BILL AMENDED:

SUBJECT: Aggravated Speeding.

FIRST AUTHOR: Rep. Moseley

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides for a penalty enhancement for aggravated speeding committed in the commission of certain offenses.

Effective Date: July 1, 2026.

Explanation of State Expenditures: *Summary* - The bill establishes a five-year fixed, consecutive sentence for individuals who commit aggravated speeding in conjunction with criminal recklessness. If individuals are charged with and convicted of aggravated speeding, the bill will increase the Department of Correction (DOC) incarceration costs and offender population. As proposed, the estimated DOC population would increase by 8 offenders in FY 2027 and up to 63 by FY 2035. DOC operating costs are estimated to increase by \$38,616 in FY 2027 and up to \$302,605 in FY 2035, and each year thereafter.

The estimated costs and added offender population are based on sentencing outcomes for individuals convicted of criminal recklessness as Level 6 and Level 5 felonies that resulted in serious bodily injury, catastrophic injury, or death. OFMA assumes that approximately 20% of individuals convicted under IC 35-42-2-2(b)(1)(B) and IC 35-42-2-2(b)(2)(B) may also have committed aggravated speeding and would therefore be subject to the proposed penalty enhancement.

Additional Information - Criminal Recklessness (Level 5 Felony): OFMA found that approximately 70% of Level 5 felony offenders were confined in DOC for an average of 3.31 years. If these individuals receive an additional fixed term of five years, the total length of incarceration would increase to approximately 8.31 years, including 25% good credit time.

Criminal Recklessness (Level 6 Felony): Between FY 2020 and FY 2025, approximately 327 individuals were convicted of criminal recklessness resulting in serious bodily injury as a Level 6 felony. OFMA found that 5% of Level 6 offenders were confined in DOC for an average of 1.34 years, while 55% were confined in county jail following sentencing, and 86% were placed on community corrections, probation, or both. As proposed, the bill would likely shift some Level 6 offenders from local confinement and community supervision to DOC facilities for an additional estimated 6.34 years.

The table below presents sentencing outcomes for individuals convicted of criminal recklessness involving

aggressive driving that resulted in serious bodily injury, catastrophic injury, or death (IC 35-42-2-2).

Felony	Average Convictions Per Year	% Confined in DOC	% Post-Sentencing Jail Time	Average Sentence	Estimated New Sentence
Level 6	55	5%	55%	1.34 years	6.34 years
Level 5	9	70%	7%	3.31 years	8.31 years

State expenditures would increase if an offender is subject to a longer sentence, as shown in the following table.

Sentences of Incarceration for Felonies			
Felony	Minimum	Advisory	Maximum
Level 6	6 months	1 year	2.5 years
Level 5	1 year	3 years	6 years

The average expenditure to house an adult offender was \$30,674 annually, or \$83.98 daily, in FY 2025. (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 \$4,825 annually, or \$13.22 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. The estimated average cost of housing a juvenile in a state juvenile facility was \$140,044, or \$383.42 daily, in FY 2025. The marginal cost for juvenile facilities was \$8,986 annually or \$24.62 daily

Explanation of State Revenues: No new revenues would result from this bill.

Explanation of Local Expenditures: *County Jails:* The bill could reduce local jail expenditures and decrease the post-sentencing county jail population for Level 6 criminal recklessness offenders. However, any reduction in local costs is expected to be minimal. Individuals subject to longer terms of incarceration tend to spend more time in county jail during the pretrial phase than individuals receiving shorter sentences. [See *Explanation of State Expenditures*.]

Courts: The bill could increase court workload due to the need to conduct additional enhancement hearings for aggravated speeding following felony convictions.

Explanation of Local Revenues: No new revenues would result from this bill.

State Agencies Affected: Department of Correction.

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

Information Sources: Indiana Sheriffs' Association, Indiana Supreme Court, Indiana Trial Court Fee Manual; Department of Correction; Indiana Gateway for Government Units, 2023 Annual Financial Reports, <https://gateway.ifionline.org/public/download.aspx>; Bureau of Justice Statistics, 2023 Annual Survey of Jails Data Series, <https://www.icpsr.umich.edu/web/NACJD/series/7>.

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