

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

LS 6989
BILL NUMBER: HB 1301

NOTE PREPARED: Jan 8, 2026
BILL AMENDED:

SUBJECT: Sentence Modification.

FIRST AUTHOR: Rep. Smith V
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

It requires the Department of Correction (DOC) to issue a certificate of eligibility for rehabilitative release (certificate) to certain convicted persons.

It provides that a certificate must be issued to the following: (1) A person sentenced for a crime other than murder who is at least 60 years of age, and has served at least 20 years in the department of correction. (2) A person serving a sentence for murder who is at least 62 years of age, and has served at least 30 years in the department of correction.

It allows a convicted person who has received a certificate to file a petition for sentence modification without the consent of the prosecuting attorney.

It provides certain criteria that the court must consider when ruling on a petition for sentence modification.

It allows a court to grant a petition for sentence modification if the court finds, by clear and convincing evidence, that: (1) the convicted person is no longer a danger to public safety; (2) the convicted person has demonstrated significant rehabilitative efforts, including participation in educational, vocational, and therapeutic programs; and (3) the interest of justice supports sentence modification.

It allows the State Public Defender to represent a convicted person on a petition for sentence modification that is based upon a certificate.

It allows certain convicted persons to file a petition for sentence reduction. It requires a petition for sentence reduction to identify information related the convicted person, sentence sought to be reduced, and evidence in support of the request.

It allows a court to dismiss an incomplete petition or set a hearing on a properly filed petition. It requires that

notice of a hearing be served on the petitioner, convicted person, counsel, Department of Correction, prosecuting attorney, and the victim or witness.

It requires a court to appoint a public defender to represent the convicted person.

It provides that the court is to take certain factors into consideration when deciding a petition for sentence reduction.

It specifies that if the evidence supports that the convicted person does not present a significant safety risk to the community, there is a rebuttable presumption that the convicted person's sentence should be reduced by at least 20%. It also requires the court to issue a final appealable order with findings of fact.

Effective Date: July 1, 2026.

Explanation of State Expenditures: Summary - The bill could potentially result in some cost savings to the Department of Correction (DOC) to the extent eligible persons are released from DOC facilities.

Any expenditure savings would depend on whether the incarcerated individuals file for a sentence modification, post-conviction relief, and the decisions made by either the Indiana Parole Board or the courts that sentenced the person. DOC estimates that 247 individuals could potentially qualify for a sentencing modification as of November 2025.

Additional Information - DOC estimates 247 incarcerated individuals could potentially petition for a sentence modification under this bill based on the eligibility criteria described below for rehabilitative release. It is unknown how many individuals have been sentenced for a sex or violent crime.

Condition:	Persons Eligible for Rehabilitative Release
At least 60 years of age; and has served at least 20 years in DOC custody for the current sentence other than murder.	178
At least 62 years of age; and has served at least 30 years in DOC custody for the current sentence (IC 35-42-1-1(murder)).	69
Total Individuals:	247

The time served is based on actual time served and does not include a reduction for good time credit or educational credit time. It also does not include persons convicted and sentenced to death or life without parole.

Office of the State Public Defender: The bill provides that a convicted person who files a petition for sentence modification based on a certificate of rehabilitative release, actual served time, or post-conviction relief is entitled to representation by the State Public Defender (SPD). This provision is expected to increase the SPD's workload and expenditures due to the additional responsibility of providing legal representation for eligible persons.

Sentence Modification Hearing: The bill requires DOC to provide notice of the court hearing to the victim of the convicted person (or the next of kin of the victim if the conviction resulted from death of the victim); and any witness(es) involved in the prosecution of the convicted person. DOC shall inform the victims and witnesses that they may appear in person to testify at the hearing or may submit written testimony to the

court. This provision will increase the workload of the DOC to notify the appropriate persons.

Notify Eligible Inmates: It requires the DOC to notify individuals who may be eligible for a sentence reduction, including: (1) individuals confined in the DOC for offenses committed before the age of 26 who have served at least 10 years; and (2) individuals confined in the DOC for offenses committed at the age of 26 who have served at least 15 years. This provision will increase the DOC's workload by requiring identification of eligible individuals and issuance of the required notices.

Indiana Parole Board: It also requires DOC to provide notice to the Indiana Parole Board of the DOC's intent to issue a certificate of rehabilitative release to a convicted person. However, it does not require the board to schedule additional hearings based upon the department's intent to issue a certificate of release. Therefore, this provision should have minor workload impact on the board.

Explanation of State Revenues:

Explanation of Local Expenditures: Rehabilitative Release: The court is required to set the matter for a hearing and provide notice to both the petitioner and the DOC. A hearing may not be scheduled less than 90 days after the court receives the petition. The bill also establishes specific criteria for courts to consider when ruling on a petition for sentence modification. These provisions are expected to increase the workload of the trial courts with criminal jurisdiction.

Sentence Modification: The bill requires the court to set a hearing no later than 45 days after a petition is filed and to serve notice of the hearing on the following parties: the petitioner; the convicted individual (if different from the petitioner); counsel for the convicted individual; the DOC; the county prosecuting attorney; the victim or victims; and the victim's next of kin. These requirements will increase the court's workload by necessitating timely scheduling of hearings and service of notice within the statutory deadline.

Parole Department: Upon release, the bill requires for the convicted person to remain under parole supervision for a minimum of five years following release from DOC custody. It also requires that the individual remain in DOC custody until all appeals have been fully exhausted and completed.

Public Defenders: The bill should have no fiscal impact on county public defenders who already provide legal representation for post-conviction relief cases.

Explanation of Local Revenues:

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

Local Agencies Affected: Trial courts with criminal jurisdiction; county probation, community corrections, and parole departments; county public defenders.

Information Sources: Department of Corrections; NCSL, Certificates of Rehabilitation and Limited Relief, <https://www.ncsl.org/civil-and-criminal-justice/certificates-of-rehabilitation-and-limited-relief> .

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