

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

LS 6806
BILL NUMBER: HB 1391

NOTE PREPARED: Dec 24, 2025
BILL AMENDED:

SUBJECT: Use of Telecommunications Device While Driving.

FIRST AUTHOR: Rep. Jeter
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person who knowingly or intentionally violates the statute prohibiting use of a telecommunications device while operating a moving motor vehicle commits a Level 5 felony if the violation is the proximate cause of serious bodily injury to another person.

Effective Date: July 1, 2026.

Explanation of State Expenditures: *Summary* - This bill will increase the Department of Correction (DOC) population between 96 to 286 in FY 2027 and up to 323 to 961 in FY 2030. As a result, this would increase DOC's operating costs between \$463,200 to \$1.38 M in FY 2027 and \$1.56 M to \$4.64 M in FY 2030 and each year afterwards. It also enhances the penalty for distracted driving from a Level 5 to a Level 4 felony if the person has a previous Class C infraction under IC 9-21-8-59(a) within the last five years. Therefore, state expenditures would increase if defendants are subject to longer sentences.

The following table shows the estimated cost and added population to the DOC based on the sentencing experiences of persons convicted and sentenced for a Level 5 felony under IC 9-26-1-1.1.

Estimated Added DOC Population and Expenditures for Use of a Telecommunication Device While Operating a Motor Vehicle - Level 5 Felony					
	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Population Range	96 to 286	192 to 572	288 to 858	323 to 961	323 to 961
Estimated Cost - Low	\$463,200	\$926,400	\$1.39 M	\$1.56 M	\$1.56 M
Estimated Cost - High	\$1.38 M	\$2.80 M	\$4.14 M	\$4.64 M	\$4.64 M
Note: The added state expenditures are based on the marginal cost of \$4,825 in FY 2025 held constant over these five years.					

Additional Information - Use of a communication device while driving is currently punishable as a Class C infraction, but is enhanced to a Class A infraction if the violation results in bodily injury (IC 9-21-8-59 and IC 9-21-8-49). The bill will add a second, separate criminal penalty for individuals who commit distracted driving that is punishable as a felony.

Roughly 81% of persons convicted of a driving-related offense (under IC 9-26-1-1.1) as a Level 5 are confined in DOC for approximately 3.36 years, while Level 4 felons are confined for 6.29 years. As proposed, persons convicted and sentenced as a Level 4 felony would remain in prison for an additional 2.93 years, including 25% good credit time. Based on the Odyssey Case Management System, between CY 2015 and CY 2024, OFMA identified 53 individuals who were found guilty of distracted driving as a Class C infraction.

Approximately 47,000 motor vehicle collisions involving bodily injury occurred annually between CY 2021 and CY 2023, with 5% of collisions reportedly due to “distraction”. For the purposes of this analysis, OFMA assumes that roughly 5% to 15% of the number of collisions reported per year from “distraction” could have involved the use of a telecommunications device while driving.

A Level 5 felony is punishable by a prison term ranging from 1 to 6 years, with an advisory sentence of 3 years. A Level 4 felony is punishable by a prison term ranging from 2 to 12 years, with an advisory sentence of 6 years. The sentence depends on mitigating and aggravating circumstances. Assuming 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. However, any additional expenditures are likely to be small.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Level 5 and Level 4 felony is \$10,000. The total fee revenue per case would range between \$113 and \$138. The amount of court fees deposited will vary depending on whether the case is filed in a court of record or a municipal court. 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: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions result in a guilty verdict, certain local units will collect more revenue. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases](#).

State Agencies Affected: Department of Correction.

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

Information Sources: <https://www.in.gov/cji/research/files/2023-Crash-Facts-with-Officer-Report.pdf> Indiana Sheriffs’ Association, Indiana Supreme Court, Indiana Trial Court Fee Manual; Department of Corrections; Indiana Gateway for Government Units, 2023 Annual Financial Reports, <https://gateway.ifonline.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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