

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

LS 7043

BILL NUMBER: HB 1432

NOTE PREPARED: Jan 20, 2026

BILL AMENDED: Jan 20, 2026

SUBJECT: Death Sentence and Intellectual Disabilities.

FIRST AUTHOR: Rep. Bascom

BILL STATUS: CR Adopted - 1st House

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill establishes a procedure to determine pretrial whether a defendant in a death penalty case has an intellectual disability.

Effective Date: July 1, 2026.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Automatic Evaluations*: If the state seeks a death sentence, the court shall appoint two or three physicians, psychiatrists, or psychologists with expertise in diagnosing and treating intellectual disabilities to serve as expert witnesses. These experts shall evaluate the defendant and testify as to whether the defendant has an intellectual disability, provided the defendant elects to file a petition alleging intellectual disability.

Generally, forensic psychologists are paid between \$200 and \$300 per hour, while psychiatrists charge between \$200 and \$400 per hour. The total cost for an evaluation depends on the amount of time the mental health professional spends evaluating the defendant.

“Individual with an intellectual disability” means an individual who, before becoming twenty-two years of age, manifests: (1) significantly subaverage intellectual functioning; and (2) substantial impairment of adaptive behavior; that is documented in a court ordered evaluation report.

Explanation of Local Revenues:

State Agencies Affected: State Public Defender; Office of the Attorney General; Commission on Court Appointed Attorneys; Office of Judicial Administration, Indiana Supreme Court.

Local Agencies Affected: Trial courts; prosecuting attorneys; county sheriffs; local law enforcement

agencies.

Information Sources: Department of Correction; Public Defense Fund; OFMA survey of counties; Indiana Public Defenders Council; Health Expenditures by Age and Gender <https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/Age-and-Gender> The Indiana Lawyer, *Indiana's death row dwindles to five - and future executions remain*, December 28, 2025, <https://www.theindianalawyer.com/articles/indianas-death-row-dwindles-to-five-and-future-executions-remain-uncertain#:~:text=Pending%20capital%20cases,2024%2C%20Supreme%20Court%20data%20shows.>; Death Penalty Information Center, *COSTS: Indiana Death Penalty Cases Can Cost \$1 Million*, January 1, 2026, <https://deathpenaltyinfo.org/costs-indiana-death-penalty-cases-can-cost-1-million>.

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