

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

LS 6402
BILL NUMBER: SB 126

NOTE PREPARED: Dec 6, 2025
BILL AMENDED:

SUBJECT: Possession of a Syringe.

FIRST AUTHOR: Sen. Clark
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill repeals the crime of possession of a syringe in the health code (possession of a syringe remains a crime as possession of paraphernalia in the criminal code).

Effective Date: July 1, 2026.

Explanation of State Expenditures: *Summary:* The bill could reduce expenditures by about \$138,000 to \$287,000 each year with potentially 50-99 fewer people committed annually to the Department of Correction (DOC). The reduction in expenditures is likely to be closer to the low end of the range, but could be less than the estimated range (see *Additional Information*). The estimate uses the incremental cost to house an adult offender (\$4,825 annually per prisoner for medical care, food, and clothing) and an average executed sentence of 7 months (after accounting for pretrial jail time and reduced for credit time).

Additional Information: Unlawful possession of a syringe [Legend Drug Act (IC 16-42-19) within the health code] is a Level 6 felony. The offense requires intent related to a legend drug or a controlled substance. Legend drugs are drugs that require a prescription. These drugs *may or may not* be drugs listed in the schedules of controlled substances. Possession of paraphernalia requires intent related to a controlled substance. It is a Class C misdemeanor, increased to a Class A misdemeanor with a prior conviction.

Therefore, the bill's repeal of this crime has two implications:

- Unlawful possession of a syringe related to a controlled substance (including a legend drug that *is or contains* a controlled substance) would be reduced to a Class C misdemeanor.
- Unlawful possession of a syringe related to a legend drug only (the legend drug *is not* a controlled substance, *does not contain* a controlled substance, and where there is *no intent related* to a controlled substance) would no longer be an offense.

There are an average of 1,438 Level 6 felony convictions each year where possession of a syringe is the highest convicted charge (average of data from FY 2021 to FY 2025). Based on all charges in these cases (not just convictions), these cases can be split as follows:

Cases Involving Controlled Substances: About 54% of the cases (about 770 cases) have charges related to a controlled substance. About 60 of these cases are committed to the DOC each year. These syringe charges would be reduced to Class C misdemeanors. However, since these cases involve other charges (both drug charges and other criminal activity), and most of the cases are disposed by plea agreements, the *cases* may still be disposed and sentenced for Level 6 felonies or Class A or Class B misdemeanors (rather than fully reduced to the Class C misdemeanor paraphernalia charges) based on other charges in the cases. The majority of paraphernalia charges are dismissed as part of plea agreements.

Cases Potentially Not Involving Controlled Substances: About 46% of the cases (about 660 cases) do not have charges related to controlled substances. About 50 of these cases are committed to the DOC each year. Most of these cases do not list a charge for possession of a legend drug either; therefore, it is unknown whether they involved controlled substances and/or legend drugs. These are comprised of cases having only syringe charge(s) (70%) and cases having additional criminal charges (30%). Therefore, these cases could *potentially* be eliminated.

[These 50 cases committed to the DOC were used for the low end of the estimated range. The high end used these plus the 60 cases *with* controlled substances that were committed to the DOC, minus an average of 12 cases that are committed to the DOC, but considered “time served” at the time of sentencing.]

A Level 6 felony is punishable by a prison term ranging between 6 to 30 months, with an advisory sentence of 1 year. The bill potentially reduces the costs to the state if an offender is convicted of a misdemeanor rather than a felony, and placed in a county jail instead of a state prison. It also potentially reduces costs to the state if DOC commitments are reduced for cases that are eliminated.

Explanation of State Revenues: Court fee revenue would decrease if fewer court cases occur. Revenue may also decrease if some cases are filed in a municipal court rather than a court of record (circuit or superior). A felony must be filed in court of record, but a misdemeanor may be filed in a court of record or a municipal court. Court fee revenue to the state General Fund is \$138 for cases filed in a court of record and \$113 for cases filed in a municipal court.

Revenue to the Common School Fund may also decrease if fewer, or lower, fines are collected. The maximum fine for a Level 6 felony is \$10,000, while the maximum fine for a Class A misdemeanor is \$5,000 and for a Class C misdemeanor is \$500. 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: The bill repeals the criminal offense of unlawful possession of a syringe, which could decrease expenditures for local jails and community supervision programs. Some of these cases may be eliminated, while others could potentially spend less time in pre- and post-trial confinement and less time under probation supervision, if they are being charged with a misdemeanor rather than a felony. A Class A misdemeanor is punishable by up to one year in jail. A Class C misdemeanor is punishable by up to 60 days in jail. Some Level 6 felons serve time post trial in jail or community corrections programs.

There are an average of 1,438 Level 6 felony convictions each year where possession of a syringe is the highest convicted charge. The average time spent in pre-trial confinement is 1.8 months. Of the 1,327 cases annually, on average, that are *not* committed to the DOC, about 67% (891 cases) are considered “time served” at the date of sentencing, with the remaining portion of their sentence suspended. Therefore, the remaining cases serve time in jail and/or in a community corrections program.

The Gateway reports show that in CY 2023, housing offenders in 33 Indiana county jails cost an average of \$56 to \$79 per day, while the average daily cost of community corrections supervision is \$10.96 and \$3.39 for probation supervision.

Explanation of Local Revenues: Court fee revenue would decrease to certain local units if fewer court cases occur. Additionally, if some cases are filed in a municipal court rather than a court of record (circuit or superior), court fee revenue would decrease to counties, but would increase to municipalities. A felony must be filed in court of record, but a misdemeanor may be filed in a court of record or a municipal court.

If the case is filed in a court of record, the county general fund will receive \$47.40 and qualifying municipalities will receive a share of \$3.60. If the case is filed in a municipal court, the county receives \$30, and the municipality will receive \$46. 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: Department of Correction;
Indiana Sheriffs' Association, Indiana Supreme Court, Indiana Trial Court Fee Manual;
<https://www.in.gov/idoc/files/community-corrections/2025-procedural-bulletins/2025-Grant-Funded-Entities.pdf>;
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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