

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

LS 7112
BILL NUMBER: SB 252

NOTE PREPARED: Jan 13, 2026
BILL AMENDED: Jan 13, 2026

SUBJECT: Criminal Law Matters.

FIRST AUTHOR: Sen. Freeman
FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

Separate Offense: It provides that a person who commits a criminal offense commits a separate offense for each victim of the offense.

Jail Holds: It requires the Department of Correction to weekly transport sentenced offenders from the Marion County adult detention center to the appropriate correctional facility.

Change of Judge: It removes a provision allowing an automatic change of judge when a judge rejects a plea agreement in a misdemeanor case.

Appeals: It allows the state to appeal a sentence in a criminal case.

Non-Suspendible Sentences: It makes sentences nonsuspendible for: (1) crimes of violence; and (2) persons charged with a felony who have a prior felony conviction.

Educational Credit: It provides that an inmate may earn not more than six months of educational credit for participating in an individualized case management plan.

Invasion of Privacy: It increases the penalty for invasion of privacy if the crime is committed by a person against whom domestic battery charges are pending.

Episode of Criminal Conduct: It provides that crimes committed against different victims during the same episode of criminal conduct do not count against the sentencing cap that applies to crimes committed as part of the same episode of criminal conduct.

Community Corrections Program: It specifies that persons convicted of certain crimes may not participate in a community corrections program.

Penalty Increases: It increases the penalty for: (1) reckless homicide; (2) involuntary manslaughter; and (3) reckless supervision; to a Level 4 felony.

Public Prosecution Fund: It establishes the Public Prosecution Fund and a prosecuting attorney compensation fee of \$40, which will be deposited in the public prosecution fund. It provides that a county may be reimbursed for certain prosecutorial expenses from the fund, unless the prosecuting attorney in the county is a noncompliant prosecuting attorney.

Standards for Reimbursement: It requires the Indiana Prosecuting Attorney's Council to set standards for reimbursement.

Malicious Littering: It also makes it malicious littering, a Class A misdemeanor, for a person to place refuse on the property of another person with the intent to cause the owner or occupant of the property to reasonably fear for their physical safety.

Effective Date: July 1, 2026.

Explanation of State Expenditures: Summary - More individuals convicted and sentenced for a Level 4 felony, rather than a Level 5 or Level 6 felony, would result in more people being confined in state correctional institutions for longer periods of time. OFMA estimates that up to 110 additional beds would be needed by FY 2034. State expenditures are expected to increase by \$19,300 in FY 2027 and by up to \$528,434 in FY 2034 and each year thereafter.

Penalty Increases and Enhancements: The bill increases the penalty for: (1) reckless homicide; (2) involuntary manslaughter; (3) reckless supervision; and (4) invasion of privacy when the offense is committed while the individual is charged with felony domestic battery. The following table shows the additional prison population that would result from increasing the criminal penalty for reckless homicide, involuntary manslaughter, and reckless supervision to a Level 4 felony.

	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032	FY 2033	FY 2034
Added Population:	4	8	12	16	20	51	85	110
Added Costs to DOC:	\$19,300	\$38,600	\$57,900	\$77,200	\$96,500	\$247,909	\$411,959	\$528,434

This estimate is based on the marginal cost of \$4,825 in FY 2025 held constant over these six years.

(Revised) Other Provisions: The bill contains additional provisions that could result in more individuals being confined in prison for longer periods of time or increase capacity at state correctional facilities. [See *Department of Correction, Separate Offense and Multiple Sentences, Educational Credit, Episode of Criminal Conduct, Non-suspendible Sentences and Community Corrections Program.*]

Cost of Incarceration: The average expenditure to house an adult offender was \$30,674 annually, or \$83.98 daily, in FY 2025. 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.

Indiana Prosecuting Attorneys Council (IPAC): The bill will increase the workload of the Indiana Prosecuting

Attorneys Council (IPAC) to administer the Public Prosecution Fund and to adopt guidelines and standards under which counties are eligible for reimbursement. Upon a finding of noncompliance, IPAC must instruct the State Comptroller to withhold reimbursement funding from the county. These new requirements are expected to be implemented using existing resources.

(Revised) *Department of Correction (DOC)*: The bill could result in some cost savings to DOC to the extent that individuals sentenced to DOC are transported from the Marion County Adult Detention Facility to a correctional facility within one week, prior to the reimbursement period. [DOC reports it has paid at least \$579,150 for jail holds in Marion County as of September 2025.]

As proposed, the bill would increase DOC's transportation responsibilities. However, DOC reports that it should be able to accomplish this task within existing resources and staffing levels, assuming adequate space and capacity are available at the appropriate intake facilities. The frequency with which individuals are transported from county jails to state correctional facilities is unknown.

(Revised) *Appeals*: The bill permits the state to appeal a criminal sentence. Depending on the discretion of the prosecuting attorney and the Attorney General, this provision could increase state expenditures from the Public Defense Fund to the extent that a public defender is appointed for an incarcerated individual. Any increase in state expenditures from the fund would be subject to authorization by the Commission on Court Appointed Attorneys (CCAA).

The Public Defense Fund reimburses counties for 40% of qualified expenses incurred for legal representation of indigent defendants in criminal cases.

Additional Information -

Reckless Homicide: Between FY 2020 and FY 2025, an average of 36 individuals per year were convicted and sentenced for reckless homicide as a Level 5 felony. Of those individuals, 77% were committed to DOC for an executed sentence averaging 5.06 years. By comparison, an average of 82% of individuals sentenced for reckless homicide as a Level 4 felony were committed to DOC for an average sentence of 7.71 years. As a result, this population would likely remain in prison an additional 2.65 years, including adjustments for 25% good credit time. In addition, approximately 6% more offenders would be committed to DOC for longer sentences than those sentenced for reckless homicide as a Level 5 felony.

Involuntary Manslaughter: Fewer than five individuals per year are convicted and sentenced for involuntary manslaughter. On average, 57% of individuals sentenced for involuntary manslaughter as a Level 5 felony are committed to DOC for an executed sentence of 5.76 years. Under the proposed changes, this population would likely remain in prison an additional 1.95 years, including adjustments for 25% good credit time.

Reckless Supervision: Between FY 2020 and FY 2025, OFMA identified fewer than five individuals convicted and sentenced for reckless supervision resulting in the death of a child. The average sentence was 3.25 years, none of which was served in DOC. Instead, individuals served an estimated 183 days in county jail, followed by approximately three years of community supervision.

Under the bill, these individuals would likely be shifted from county jail or community supervision to DOC facilities and would remain in prison an additional 5.41 years. Given the small number of cases, any population increase is expected to be minimal.

Invasion of Privacy: The bill enhances the penalty for invasion of privacy from a Class A misdemeanor to a Level 6 felony if the offense is committed *while* domestic battery charges are pending as a felony. This provision could increase the DOC offender population, though any increase is expected to be minimal.

Between FY 2020 and FY 2025, OFMA identified 1,688 cases of invasion of privacy as a Class A misdemeanor. Approximately 399 individuals were convicted of both invasion of privacy (misdemeanor) and domestic battery (felony). Of these individuals, about 87% were confined in county jail after sentencing, and 75% were placed on community supervision. It is unknown how many invasion of privacy offenses occurred *while* domestic battery charges were pending.

Separate Offense and Multiple Sentences: The bill provides that a separate offense is committed for each victim. OFMA cannot estimate the impact of this change on DOC's offender population because sentencing for each offense remains at the court's discretion.

(Revised) Educational Credit: The bill limits educational credit for progress under an individualized case management plan (ICMP) to no more than six months or one-third of the individual's total applicable credit time. This change would reduce the amount of earned credit available to offenders. It is unknown how many individuals receive ICMP-related educational credit. This provision is not retroactive and will not affect individuals who have already received ICMP credit. *[This fiscal note will be updated when more information is available.]*

Under current law, earned credit time is limited to the lesser of two years or one-third of the individual's applicable credit time. Each individual has a case management plan prepared by a caseworker. DOC reports that it has already established written policies that specify how an individual makes progress with their individualized case management plan.

Episode of Criminal Conduct: The bill provides that crimes committed against different victims during the same episode of criminal conduct do not count toward consecutive sentencing caps. To the extent courts impose sentences for each offense, defendants could receive longer sentences under this provision.

[An "episode of criminal conduct" is defined as offenses or a connected series of offenses closely related in time, place, or circumstances.]

(Revised) Non-suspendible Sentences: The bill makes sentences for "crimes of violence" and for individuals charged with a felony who have a prior felony conviction non-suspendible. Courts may suspend only the portion of a sentence exceeding the statutory minimum. This provision could increase DOC admissions and length of stay.

Felony Level	Minimum
Level 6	6 months
Level 5	1 year
Level 4	2 years
Level 3	3 years
Level 2	10 years
Level 1	20 years

Community Corrections Program: The bill expands the list of individuals who are ineligible for placement in community corrections programs. This could reduce community-based placements and increase the number of individuals confined in DOC facilities. OFMA cannot estimate the impact on offender population or length of stay. The provision applies to these additional offense categories:

- An offense that is enhanced by habitual offender (IC 35-50-2-8) or habitual substance offender (IC 9-30-15.5-2) determination.
- An offense that is enhanced by the use of a firearm under IC 35-50-2-11.
- Escape (IC 35-44.1-3-4)
- Unlawful carrying of a handgun (IC 35-47-2-1.5)
- An offense in which the defendant used a firearm in the commission of the offense, regardless of whether the use of the firearm is an element.

Reimbursement for Deputy Prosecutors: The bill establishes a non-reverting Public Prosecution Fund to reimburse counties for compensation paid to deputy prosecutors and related administrative expenses. The fund consists of appropriations from the General Assembly. Any increase in state expenditures will depend on county eligibility, available funding, and administrative approvals.

Based on CY 2023 data from Indiana Gateway, OFMA identified 111 deputy prosecuting attorneys whose salaries are at least 55% (\$100,380) of the elected full-time prosecuting attorney's salary. In CY 2024, approximately 672 full-time deputy prosecutors were employed statewide, including Title IV-D deputies. As of December 2025, full-time prosecuting attorney salaries ranged from \$109,806 to \$183,513; therefore, 55% equals approximately \$100,932. It is unknown how many deputies would qualify for reimbursement. *[This fiscal note will be updated when more information is available.]*

This estimate includes Title IV-D deputy prosecuting attorneys. If these positions are excluded, salary and fringe benefit costs could decrease. Under the federal Title IV-D program, states receive reimbursement for child support services, allowing partial recovery of prosecutorial costs.

Explanation of State Revenues: Public Prosecution Fund: The bill is expected to significantly increase revenue to the state General Fund from the Prosecuting Attorney Compensation Fee, with estimated annual increases of approximately \$19.0 million to \$21.5 million.

This estimate is based on an average of 474,962 cases disposed annually between CY 2020 and CY 2024, including criminal, infraction, ordinance violation, juvenile, civil, small claims, probate, and deferred prosecution cases. To the extent that certain case types (such as juvenile delinquency, CHINS, or paternity cases) are excluded, revenue would be lower.

(Revised) Malicious Littering: The maximum fine for a Class A misdemeanor is \$5,000. Any increase in revenue is likely to be small.

Explanation of Local Expenditures: Reimbursement for Deputy Prosecutors: The bill could result in significant cost savings for counties eligible for reimbursement, up to 27.5% of the elected prosecuting attorney's salary per deputy, plus up to \$15,140 for fringe benefits. Actual fiscal impact will depend on county participation.

It is unknown how many deputy prosecuting attorneys would qualify for reimbursement based on the current salary of the elected full-time prosecuting attorney. *[This fiscal note will be updated when more information is available.]*

(Revised) Malicious Littering (New Crime): The bill also provides that a person who places refuse on another

person's property with the intent to cause the owner or occupant to reasonably fear for their personal safety commits a Class A misdemeanor. This provision could increase local incarceration costs to the extent that it increases the number of Class A misdemeanor convictions.

A Class A misdemeanor is punishable by up to one year in jail. The Gateway reports show that in CY 2023, housing offenders in 33 Indiana county jails cost an average of \$56 to \$79 per day. Individuals who are sentenced as juveniles can be either confined in a juvenile detention facility at the state or county level or supervised in a county juvenile probation program.

(Revised) Appeals: To the extent that the Attorney General files an appeal of a criminal sentence and a public defender is appointed for the incarcerated defendant, county expenditures for indigent defense services in appellate cases could increase. Counties are responsible for 60% of the costs of representing indigent defendants in criminal and appellate proceedings. The actual fiscal impact will depend on local actions.

Change of Judge: The bill removes the automatic right to a change of judge when a plea agreement is rejected in a misdemeanor case and prohibits courts from objecting to misdemeanor plea agreements. This could reduce court workload by allowing cases to be resolved more quickly.

Community Corrections Program: It specifies that persons convicted of certain crimes may not participate in a community corrections program. As a result, this could decrease the number of individuals eligible for community corrections diversion and reduce the workload of community corrections agencies to the extent that fewer individuals are sentenced to community corrections. The actual impact will depend on local action.

Jail Holds: The bill could reduce costs for Marion County by limiting the number of DOC jail holds beyond the statutory five-day period. As of August 2025, Marion County reported housing at least 200 DOC-sentenced individuals awaiting transport at a cost of approximately \$85 per person per day, with reimbursement capped at \$42 per person per day. Annual county costs are estimated at \$3.0 million.

Felony Enhancements: If more defendants are detained pretrial due to increased felony levels, county jail costs may rise. Pretrial detention rates and community supervision placements generally increase with offense severity. To the extent offenders are sentenced to DOC rather than county jail, county costs may decrease.

Explanation of Local Revenues:

State Agencies Affected: Indiana Prosecuting Attorney Council; Department of Correction; Attorney General; State Public Defender.

Local Agencies Affected: County prosecuting attorneys; counties; Marion County; community corrections agencies; probation departments; county sheriffs;

Information Sources: Indiana Sheriffs' Association, Indiana Supreme Court, Indiana Trial Court Fee Manual; 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/>;

Department of Correction, Policy and Procedures Manual (Adult Classification Credit Time; Jail Services Division; and Reimbursement of County Jails)

<https://www.in.gov/idoc/files/policy-and-procedure/policies/01-04-101/7-Credit-Time-1-1-2023.pdf>; DOC

<https://www.in.gov/idoc/files/policy-and-procedure/policies/03-01-101-Jail-Services-Division.pdf>;

<https://www.in.gov/idoc/files/policy-and-procedure/policies/04-01-108-County-Jail-Reimbursement-7-1-1.pdf>

2025.pdf; Indiana Prosecuting Attorneys Council; Indiana Gateway for Government Units, [https://gateway.ifionline.org/default.aspx.:](https://gateway.ifionline.org/default.aspx.)

IndyStar, *Marion County Sheriff says IDOC Owes the County \$1.7 M*, (retrieved January 2026), <https://www.indystar.com/story/news/crime/2025/08/05/marion-county-sheriff-says-indiana-doc-owes-the-county-nearly-2-million-dollars/85528700007/> ;

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