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Sentencing bill may change again

House proposal would drop provision Senate added

Tom Davies | Associated Press

An Indiana legislator trying to find a compromise on a plan that Gov. Mitch Daniels originally pushed to help stem the state's prison costs seems to still have work ahead.

The proposal from Rep. Ralph Foley, R-Martinsville, would allow longer prison terms for those convicted of the most serious crimes. But it would eliminate a provision to require many of those inmates to serve at least 85 percent of the sentence ordered by a judge.

The original bill, drafted by a state panel and endorsed by Daniels, sought to lessen prison time for nonviolent drug offenders and save money by preventing the need for more prisons. But after county prosecutors called it soft on crime, senators gutted the bill and even lengthened sentences for some offenders.

But since then, Daniels has threatened to veto the bill, partly because of cost concerns, over the requirement added by the Senate that inmates serve at least 85 percent of their sentence. Current law allows most inmates to be released after serving half their sentence if they don't get into trouble while in prison.

Foley, who is sponsoring the bill in the House, said he was talking with many law-enforcement groups and the Daniels administration to come up with acceptable changes.

He said he was trying to direct more money to counties for community corrections programs, probation departments and substance abuse counseling to help deal with low-level offenders and keep them out of the state prison system.

Foley also is proposing to extend by 10 years the maximum sentence that judges can impose for murder to 75 years and for other top-level felonies to 60 years.

"Mainly, I'm concentrating on two things. One is to make sure that it won't be vetoed. And the second is to get as much money to the counties as humanly possible for programming," Foley said.

Steve Johnson, executive director of the Indiana Prosecuting Attorneys Association, told the House Courts and Criminal Code Committee on Wednesday that the group sought tougher sentencing rules because inmates have been given so many ways to shorten prison time, such as completing college degrees.

Johnson said after the hearing that most county prosecutors didn't think adding 10 years to the maximum sentences would do much good. He also said he didn't believe there would be as much budget impact as Daniels has suggested.

Department of Correction officials told the House committee that they projected the Senate-passed version would force the state into building another prison within six years at a cost of more than \$200 million.

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