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Sentencing shift worries counties

Niki Kelly | The Journal Gazette

INDIANAPOLIS – Criminal justice experts warned Tuesday that a push to reform sentencing in Indiana could result in a flood of new expenses for counties.

Under the proposed legislation, counties would be forced to handle more misdemeanors and deal with increased probation responsibilities.

More than 100 prosecutors, judges and law enforcement officials showed up for a Senate hearing lasting hours on the proposal – a key part of Gov. Mitch Daniels legislative platform.

No vote was taken on Senate Bill 561.

Instead, Sen. Brent Steele, R-Bedford, author of the bill and chairman of the Senate corrections committee, said he would work on amendments for a vote next week.

The legislation's goal is to contain Indiana's exploding prison population, which is growing three times faster than in neighboring states, despite falling crime rates.

An analysis conducted by two national organizations found that much of the growth was driven by those who commit Class D felonies – especially those serving time for theft and drug crimes.

A Class D felony is the lowest-level felony and carries a maximum prison term of three years.

Prison sentences for those crimes are lengthier than in other states because Indiana generally doesn't differentiate based on the quantity of drugs possessed or sold, or the value of the items stolen.

The report recommends revising Indiana law by implementing various gradations for the crimes.

This change would mean some Hoosier drug and theft offenders would be charged with lower-level felonies and misdemeanors and serve lighter sentences.

"The impact on drug laws hits disproportionately high on low-income clients," said Robert Hill, the Marion County public defender. "I think the reforms we're talking about are good not because they're soft on crime but because they're smart on crime."

But Allen County Prosecutor Karen Richards called drugs a plague that lead to an escalation in crime, including murder.

"The last thing we need to do is lighten up drug crimes," she said.

Allen Superior Court Judge John Surbeck testified in support of the legislation, saying prison should be an option for those we're afraid of, "not just people we're mad at."

He raised concerns about the consequences of creating a new class of misdemeanor offenders by lowering some drug and theft crimes to that level. He said that would create additional burdens on county jails and programs funded by local taxes.

"That seems a little unfair to reclassify a bunch of people from felons to save the state a fairly large chunk of money but not help counties with that new class of misdemeanants," Surbeck said.

Others noted possible costs related to proposed changes in probation programs.

The Council of State Governments estimated more than 19,000 lower-level Hoosier criminals would come off the probation rolls while 10,400 would be added as they are released from prison – a 9 percent net reduction.

But some counties would see a net increase, including Allen County with a 16 percent hike in those needing probation supervision.

Monroe Circuit Court Judge Ken Todd said that in his county they would need four new probation officers costing hundreds of thousands of dollars that aren't provided in the plan.

Savings of \$27 million estimated to be derived from the sentencing changes would be reinvested in three programs.

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