

INTERIM JOINT COMMITTEE ON APPROPRIATIONS & REVENUE

Budget Review Subcommittee on Justice and Judiciary

Minutes of the 5th Meeting of the 2021 Interim

October 6, 2021

Call to Order and Roll Call

The 5th meeting of the Budget Review Subcommittee on Justice and Judiciary of the Interim Joint Committee on Appropriations & Revenue was held on Wednesday, October 6, 2021, at 9:00 AM, in Room 129 of the Capitol Annex. Representative Joseph M. Fischer, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Danny Carroll, Co-Chair; Representative Joseph M. Fischer, Co-Chair; Senators John Schickel, Robin L. Webb, and Whitney Westerfield; Representatives McKenzie Cantrell, Jennifer Decker, Daniel Elliott, Angie Hatton, C. Ed Massey, Jason Nemes, Jason Petrie, and Brandon Reed.

Guests: Kerry Harvey, Secretary, Justice and Public Safety Cabinet; Cookie Crews, Commissioner, Department of Corrections (DOC); Hilarye Dailey, Deputy Commissioner, DOC; Kieryn Fannin, Director, Division of Population Management, DOC; John Middleton, Kenton County Circuit Court Clerk, Kentucky Association of Circuit Court Clerks; Jennifer Hancock, President and Chief Executive Officer, Volunteers of America; and Libby Mills, Senior Director, Volunteers of America Justice.

LRC Staff: Perry Papka, Zachary Ireland, and Benjamin Thompson.

Department of Corrections – Fiscal Impact of Inmate Classification and Commutations

Secretary Harvey, Ms. Crews, Ms. Dailey, and Ms. Fannin provided a brief presentation regarding commutations related to the COVID-19 pandemic as well as the importance of classification for inmates.

In response to questions from Chair Fischer, Ms. Fannin noted that offenders have a right to waive a pre-sentencing investigation (PSI). Ms. Crews stated that the classification process begins within ten working days of the DOC receiving results from a PSI and the judgment for an inmate's offense.

In response to a question from Senator Westerfield, Ms. Fannin confirmed that an inmate would not be classified until a PSI is completed or within 30 days of the waiver of a PSI.

In response to a question from Representative Petrie, Ms. Fannin noted that some inmates are not receiving classification within the statutorily required timeframe.

In response to questions from Chair Fischer, Secretary Harvey stated that a correctional facility has certain fixed costs regardless of inmate population. Ms. Dailey noted that the \$42 million saved from inmate commutations did not go to the department, rather the reduced costs were subtracted from DOC's appropriation.

In response to a question from Representative Nemes, Secretary Harvey stated that no inmates who had sentences commuted were convicted of a violent crime as defined by Kentucky Revised Statute 439.3401.

In response to a question from Senator Carroll, Secretary Harvey confirmed that any reoffenders would have their commutation revoked. Secretary Harvey noted that it is possible for an inmate to earn ten years of good time credit through various programs and educational courses.

Circuit Court Clerks Budgetary Concerns

Mr. Middleton provided an update on the budgetary needs of Circuit Court Clerks.

In response to a question from Representative Massey, Mr. Middleton noted that raises for Deputy Clerks in 2018 brought hourly pay up to \$12.95.

In response to Chair Fischer, Mr. Middleton noted that the Circuit Clerks are working with the Chief Justice and the Administrative Office of the Courts to formulate a specific funding request.

Update on Restorative Justice

Ms. Hancock and Ms. Mills presented regarding the benefits of restorative justice practices.

In response to a question from Chair Fischer, Ms. Mills noted that Volunteers of America had not yet been able to determine recidivism statistics in the South East Kentucky Project because the initiative is so new. Ms. Mills noted that 26 percent of those who completed the long standing Restorative Justice program in Jefferson County reoffended, while those who had not completed the program had recidivism rates over 50 percent.

Approval of Minutes

Representative Massey made the motion to approve the minutes of the September 24, 2021, meeting of the subcommittee. Representative Nemes seconded the motion, and the minutes were approved without objection.

There being no further business before the subcommittee, the meeting was adjourned at 10:52 AM.