

CORRECTIONS IMPACT STATEMENT

SESSION: 15RS

BILL #: HB 285

BR #: 1377

DOC ID#: BR137700.100 - 1377 - 2669

BILL SPONSOR(S): Rep. Yonts

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to incarceration.

SUMMARY OF LEGISLATION: Amend KRS 439.340 to make parole mandatory for Class D offenders who are not violent offenders or sexual offenders and have not committed any violent acts while incarcerated; amend KRS 197.045 to allow sentencing credits for misdemeanants; amend KRS 532.090 to conditionally discharge portions of certain misdemeanor sentences.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|---|--|
| <input type="checkbox"/> Creates new crime(s)
<input type="checkbox"/> Increases penalty for existing crime(s)
<input type="checkbox"/> Increases incarceration
<input type="checkbox"/> Reduces inmate/offender services
<input checked="" type="checkbox"/> Increases staff time or positions
<input type="checkbox"/> Changes elements of offense for existing crime(s)
<input type="checkbox"/> Otherwise impacts incarceration (Explain) _____ | <input type="checkbox"/> Repeals existing crime(s)
<input type="checkbox"/> Decreases penalty for existing crime(s)
<input checked="" type="checkbox"/> Decreases incarceration
<input type="checkbox"/> Increases inmate/offender services
<input type="checkbox"/> Reduces staff time or positions |
|---|--|

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$60.38. Most Class D felons are housed in one of 79 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$32.92 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

Projected Impact: NONE MINIMAL MODERATE SIGNIFICANT

Potential Savings: Section 1 The proposed legislation for certain non-violent, non-sexual offenders to be released on parole automatically would impact the Parole Board by reducing the large volume of parole file reviews conducted by the Parole Board each month. Although data currently reflects this population is the most likely to receive parole, this proposed legislation has the potential to reduce the state inmate population and reduce administrative staff functions. This bill is expected to increase the supervision caseloads for the Division of Probation and Parole. In FY2014 the daily cost to supervise an offender is \$3.50.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$120,145 to \$600,724.

1 Class D Felon costs Ky. \$12,014 to \$60,072.

100 Class D Felons cost \$1.2M to \$6M.

Recent statistics provided by the department reflect the total number of inmates currently incarcerated that would qualify with the suggested requirements is 6,343.

Additionally, the chart below reflects that the inmates meeting the criteria in this proposal are generally granted parole by the Parole Board.

YEAR	TOTALELIGIBLE	NUMBERRECOMMENDED	PERCENTRECOMMENDED
FY2010	10777	7426	68.91%
FY2011	11287	8042	71.25%
FY2012	11673	6971	59.72%
FY2013	12626	9222	73.04%
FY2014	12252	7467	60.95%

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. While the expense varies by jail, this estimated impact will be based on \$32.25 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Potential Impact: Section 1 The proposed legislation for certain non-violent, non-sexual offenders to be released on parole automatically has the potential to reduce the state inmate population including inmates housed in county jails in the Class D program. Data currently reflects this population is the most likely to receive parole, in the last five fiscal years greater than 75% of this population has been granted parole.

Section 2. Would amend KRS 197.045 to allow sentencing credits for misdemeanants. While this will decrease the service time for misdemeanants and lower costs associated with reduced incarceration, each jail will be required to establish a system in order to award and maintain credits and create an adjustment process in the event credit is removed from an inmate due to a disciplinary action. This section is also proposed to be retroactive to July 15, 2011 upon passage. Establishing credits for misdemeanants has the potential to increase litigation for county jails and costs associated with litigation.

The following offices contributed to this Corrections Impact Statement:

Dept. of Corrections Dept. of Kentucky State Police Administrative Office of the Courts Parole Board Other

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population or that impose new obligations on state or local governments.

APPROVED BY:

Commissioner, Kentucky Department of Corrections

Date