

CORRECTIONS IMPACT STATEMENT

SESSION: 15RS BILL #: HB 286 Introduced BR #: 396 DOC ID#: BR039600.100 - 396 - 2583

BILL SPONSOR(S): Rep. Yonts AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to crimes and punishments.

SUMMARY OF LEGISLATION: Amend KRS 532.090 to establish gross misdemeanors as a new category of misdemeanor offense and set penalty range; amend KRS 530.050 to make flagrant nonsupport a gross misdemeanor; amend KRS 532.100 to provide that gross misdemeanants are state prisoners and that the cost of incarceration in a local jail shall be the responsibility of the Department of Corrections; amend KRS 441.127 to permit local jailers to grant limited service credits against an inmate's sentence for good behavior and educational achievement; amend KRS 532.110, relation to multiple sentences, to prohibit the aggregate of consecutive definite terms from exceeding the longest term authorized for the highest class of crime for which any of the sentences is imposed; amend various sections to conform.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

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

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 Impact: This bill would be highly impacting to the departmental budget due to the requirement that the DOC pay for any offender serving less than 24 months for a conviction for an offense outside of the penal code. This would include all misdemeanor drug crimes, dui and traffic related offenses, all of chapter 186,189, 189A and, 218A misdemeanors. This bill proposal would reduce Flagrant NonSupport from a Class D felony to a "gross misdemeanor" with a maximum term of imprisonment of twenty four months. The workload of the Parole Board members and personnel is expected to increase with the addition of gross misdemeanors to review for parole. The reduction in the maximum incarceration duration from 5 years to 24 months would reduce costs associated shorter incarceration periods for that crime.

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 Savings: This proposal would allow jailers or the correctional services department to apply additional sentencing credits per KRS 441.127 for county inmates inmates confined in a county jail on conviction of misdemeanor charges that could reduce incarceration time frames and lower costs associated with shorter incarceration periods.

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