

# CORRECTIONS IMPACT STATEMENT

SESSION: 15RS BILL #: HB 304 BR #: 398 DOC ID#:

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

SUBJECT: AN ACT relating to persistent felony offender sentencing.

## SUMMARY OF LEGISLATION:

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"/> Repeals existing crime(s)               |
| <input type="checkbox"/> Increases penalty for existing crime(s)                      | <input 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 type="checkbox"/> Increases staff time or positions                            | <input type="checkbox"/> Reduces staff time or positions         |
| <input checked="" 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: It is likely this bill proposal would reduce the number of persistent felony charges by requiring the current conviction to be for a "triggering offense," rather than just for any new felony as stated in the present language, although the department would continue to receive persistent felony offender commitments with the longest sentence durations that also may be sentenced on a violent offense. It would also make persistent felony sentencing optional rather than mandatory, which has the potential to further reduce persistent felony offender sentencing lengths. Impacts to the Department include:

- 1) Immediate Parole Eligibility for inmates currently serving a PFO I enhanced Class A, B or C felony who have already served 5 years
- 2) Parole Eligibility after 5 years for inmates currently serving a PFO I enhanced Class A, B or C felony who have not served 5 years
- 3) A reduction to at least the Maximum sentence allowed for the underlying crime for future admissions where the underlying offenses is not a triggering offense as defined in this bill.
- 4). A reduction in housing costs associated with shorter periods of incarceration.

**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.

Creates no new misdemeanor offenses.

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