

CORRECTIONS IMPACT STATEMENT

SESSION: 15RS BILL #: HB 305 Introduced BR #: 395 DOC ID#: BR039500.100 - 395 - 2242

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

SUBJECT: AN ACT relating to crimes and punishments.

SUMMARY OF LEGISLATION: Amend and create various KRS sections to convert certain misdemeanors to prepayable violations and set fines.

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 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 checked="" 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 checked="" 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 Savings: The Division of Probation and Parole provide misdemeanor supervision caseloads to some areas in the state. Reducing selected misdemeanors to violations has the potential to reduce misdemeanor supervision caseloads, although the impact is expected to be minimal.

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: Reduces offenses: Possession of Marijuana, Unlawful Access to a Computer 4th Degree, Criminal possession of a noxious substance, Controlled Substance not in the Original Container, Unlawfully using Slugs 2nd Degree, Unlawful Assembly, Harassing Communications, Disorderly Conduct 2nd Degree, Public Intoxication, and Disrupting meetings and processions 2nd Degree, from a Class B misdemeanor to a violation only.

Based on the \$32.25 per diem rate, the local impact is estimated as follows:

A Class B misdemeanor is up to 90 days in jail. 10 Class B misdemeanants: up to \$28,703.
1 Class B misdemeanant: up to \$2,870. 100 Class B misdemeanants: up to \$287,025.

Reduces offenses: Drug Paraphernalia, Unlawful Access to a Computer 3rd Degree, Criminal Trespass 2nd Degree, Criminal littering, False Advertising and Bait Advertising, and Compounding a crime from a Class A misdemeanor to a violation only.

Based on the \$32.25 per diem rate, the local impact is estimated as follows:

A Class A misdemeanor is 90 days to 1 year in jail 10 Class A misdemeanants: \$29,025 to 117,713.
1 Class A misdemeanant: \$2,903. to \$11,771. 100 Class A misdemeanants: \$290,250 to \$1.1M.

Reducing penalties in the above offenses from incarceration to fines could reduce the population in county jails; this would reduce costs to county jails associated with incarceration.

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