

# CORRECTIONS IMPACT STATEMENT

SESSION: 15RS

BILL #: HB 447

BR #: 410

DOC ID#: BR041000.100 - 410 - 1018

BILL SPONSOR(S): Rep. R. Benvenuti III

AMENDMENT SPONSOR(S):

SUBJECT: .AN ACT relating to shock probation.

**SUMMARY OF LEGISLATION:** Amend KRS 439.265 to prohibit shock probation if a person is convicted of violating KRS 507.040, relating to manslaughter in the second degree, or KRS 507.050, relating to reckless homicide, and a violation of KRS 189A.010, relating to driving under the influence, arising from the same incident; permit the victim's next of kin to ask the court to permit shock probation.

This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact  Have no Corrections impact

Creates new crime(s)

Repeals existing crime(s)

Increases penalty for existing crime(s)

Decreases penalty for existing crime(s)

Increases incarceration

Decreases incarceration

Reduces inmate/offender services

Increases inmate/offender services

Increases staff time or positions

Reduces staff time or positions

Changes elements of offense for existing crime(s)

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 78 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: Section 1 Prohibits shock probation for defendants convicted of DUI in combination with manslaughter second degree or reckless homicide unless consent is provided by the victim's next of kin. Data reflects a total of 16 inmates serving on Manslaughter II or Reckless Homicide have been released on shock probation since January 1, 2012; this number does not reflect if these offenses were accompanied by an offense for Driving Under the Influence. While there is no way to estimate the number of individuals who will be affected by this bill, it is expected to have minimal impact on DOC.

**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.

**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

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Date