

CORRECTIONS IMPACT STATEMENT

SESSION: 15RS BILL #: HB 542 Introduced BR #: 1219 DOC ID#: BR121900.100 - 1219 - 2246

BILL SPONSOR(S): Rep. J. Jenkins AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to assault of a family member or a member of an unmarried couple.

SUMMARY OF LEGISLATION: Amend KRS 508.032 to allow sentence enhancement for violation of KRS 508.030, assault in the fourth degree, based on prior convictions under KRS 508.010, 508.020, or 508.030 within previous five years.

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 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 Would create additional enhancement provisions for a person that commits a third or subsequent offense of assault in the fourth degree within five years that has two (2) or more prior convictions within the previous five (5) years for violations of Assault first degree, Assault second degree, and/or Assault third degree. This proposal would elevate Assault fourth degree from a Class A misdemeanor to a Class D felony for any person meeting the enhancement provisions of this bill. Although it is not possible to determine how many convictions this would generate it is expected to increase costs associated with incarceration.

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.

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

_____ Date