

CORRECTIONS IMPACT STATEMENT

SESSION: 15RS

BILL #: SB 179 Introduced

BR #: 1155

DOC ID#: BR115500.100 - 1155 - 3495

BILL SPONSOR(S): Sen. G. Neal, R. Thomas AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to criminal expungement.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 431 to allow a felony record to be expunged under specified circumstances; require the Administrative Office of the Courts to keep a confidential index of expungement orders for the preparation of presentence investigations; provide that if a defendant for whom a presentence investigation report is prepared includes information relating to an expunged record is subsequently found not guilty of the offense for which the presentence investigation report was prepared or the charge or charges for which the presentence investigation report was prepared are dismissed with prejudice, then any information contained within the presentence investigation report must be redacted; amend KRS 431.078, relating to misdemeanor expungement, to begin the five-year waiting period from the date of adjudication of the offense; amend KRS 527.040, relating to possession of a firearm by a felon, to exempt individuals who have had their felony records expunged.

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 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 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: Would allow offenders who have had a single Class D felony or a series of Class D felonies arising from the same incident to the group of individuals who are eligible to request expungement of their criminal records after remaining crime free for a specified amount of time after release.

The provisions of this bill fall within the department's philosophy of removing barriers for ex-offenders to be successful in the community once they have paid their debt to society. This bill is expected to increase staff time to research and process the expungement of records; however, 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.

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