

# CORRECTIONS IMPACT STATEMENT

SESSION: 15RS BILL #: SB 30 Introduced BR #: 284 DOC ID#: BR028400.100 - 284 - 624

BILL SPONSOR(S): Sen. Morgan McGarvey AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to strangulation.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 508 to establish the crime of strangulation as a Class A misdemeanor unless certain aggravating circumstances are present, in which case it would be a class D felony; amend KRS 403.761 to include the offense of strangulation as one of the offenses considered by a court when determining whether a person has committed a substantial violation of a domestic violence order.

This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact  Have no Corrections impact

- |  |  |
|--|--|
| <input checked="" 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 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 Cost: Section 1 Creates a new crime of strangulation as a Class A misdemeanor unless certain aggravating circumstances are present, in which case it would be a class D felony. Given that strangulation could currently be prosecuted as assault, this bill is not expected to generate a significant number of new felons to DOC.

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.

Potential Cost: Section 1 Creates a new crime of strangulation as a Class A misdemeanor.

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.

**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