

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 133

BR #: 893

DOC ID#:

BILL SPONSOR(S): Rep. G. Watkins, L. Belcher

AMENDMENT SPONSOR(S):

SUBJECT: .AN ACT relating to life imprisonment for persistent felony offenders.

SUMMARY OF LEGISLATION: Amend KRS 532.080 to increase the sentence to life without the possibility of parole for offenders with three or more convictions for Class A or B felonies or capital offenses.

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 checked="" 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 \$61.09. 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 \$31.92 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 6 The proposed legislation would increase sentences to life without parole for offenders with three or more convictions of Class A or Class B felonies. There are a total of 176 inmates serving on a Capital, Class A or Class B felonies who have previously been convicted 2 or more Capital, Class A or Class B felonies. Of those, 21 have a life sentence, 13 have a sentence of life without parole and 2 Death. That leaves 140 inmates sentenced to life with an eligibility for parole. The average length of sentence for those 140 inmates is just under 29 years. Since 2011, 52 inmates have died while incarcerated serving on a life sentence. The average time served prior to death for those 52 inmates was 25 years, 8 months and 19 days. The annual cost to incarcerate an inmate in one of the Kentucky Department of Corrections facilities is \$58.09 per day/\$21,202.85 per year. If an inmate is incarcerated for 40 years the cost estimate is \$848,114 per inmate and for 50 years the estimate is \$1,060,143. Using the 140 inmates as an estimate of how many could be incarcerated in the future and if each lived at least 50 years, the costs would be \$148,420,020.

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 \$31.34 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Creates no new misdemeanor offenses. Section

Based on the \$31.34 per diem rate, the local impact is estimated as follows:

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