

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 137 GA

BR #: 890

DOC ID#: BR089000.100 - 890 - 1299

BILL SPONSOR(S): Rep. G. Watkins **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to criminal attempted murder

SUMMARY OF LEGISLATION: Amend KRS 439.3401 to make criminal attempt to commit murder of a peace officer or a firefighter an offense for which at least 85 percent of the sentence must be served before probation or parole.

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"/> Increases penalty for existing crime(s)
<input checked="" type="checkbox"/> Increases incarceration
<input type="checkbox"/> Reduces inmate/offender services
<input type="checkbox"/> Increases staff time or positions
<input checked="" type="checkbox"/> Changes elements of offense for existing crime(s)
<input checked="" type="checkbox"/> Otherwise impacts incarceration (Explain) <u>Increases Parole Eligibility Date</u> | <input type="checkbox"/> Repeals existing crime(s)
<input type="checkbox"/> Decreases penalty for existing crime(s)
<input type="checkbox"/> Decreases incarceration
<input type="checkbox"/> Increases inmate/offender services
<input type="checkbox"/> Reduces staff time or positions |
|--|---|

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 77 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$32.51 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: The proposed legislation would elevate KRS 507.020 and 506.010 to violent offender status where the offense involves an attempt to commit the murder of a peace officer or firefighter in the line of duty. This would require a minimum service requirement of 85% of the sentence imposed. The Department has no data to calculate the number of offenders who may be convicted of attempted murder of a firefighter. The Department currently has seven (7) offenders serving a sentence for criminal attempt murder of a police officer and one (1) offender serving a sentence for criminal attempt murder of a police officer identify weapon who are eligible for a parole hearing after serving 20% of their sentence. These offenders would be required to serve 85% of their sentence with the proposed changes. The difference in the number of days they would serve given the assumption that they would be parole at 20% of their sentence as opposed to 85% of their sentence is:

CHARGE	#	AVG TOTAL LENGTH	AVG 20% LENGTH	AVG 85% LENGTH	AVG DAYS DIFFERENT
Attempted Murder - Police Officer	7	5475	1095	4654	3559
Attempted Murder-Police Officer (Identify Weapon)	1	7300	1460	6205	4745

The cost difference for the 7 offenders currently serving on attempted murder-police officer and the 1 offender serving attempted murder-police officer (Identify Weapon), between serving 20% of their sentence as opposed to 85% of their sentence is calculated as follows:

7 – Cost difference between serving 85% and 20% of sentence: 3,559 days x 7 x \$61.09 = \$1,521,935.17

1 – Cost difference between serving 85% and 20% of sentence: 4,745 days x 1 x \$61.09 = \$289,872.05

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 \$31.92 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Projected Impact: NONE MINIMAL MODERATE SIGNIFICANT

Creates no new misdemeanor offenses. The proposed changes create no new crimes. The offenders who sentence would be increased would not be housed in county jails to serve their sentences. Although these offenders would be housed in jails pre-trial, it is not anticipated that they would be housed in jails any longer than they are currently housed.

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