

AMENDED 2/10/2016
CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 25 Prefiled

BR #: 184

DOC ID#: BR018400.100 - 184 - 257

BILL SPONSOR(S): Rep. J. Jenkins, L. Belcher, T. Riner

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to operators of taxis, buses, or other passenger vehicles for hire.

SUMMARY OF LEGISLATION: Amend KRS 508.025, relating to third degree assault, to include an assault on an operator or passenger of a taxi, bus, or other passenger vehicle for hire within that offense; amend KRS 508.050 and 525.060, relating to menacing and disorderly conduct, to increase the penalty for those offenses if the offense is committed against an operator or passenger of a taxi, bus, or other passenger vehicle for hire.

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 checked="" 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 \$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 expands assault in the third degree when the offense committed causes or attempts to cause physical injury to an operator or passenger of a taxi, bus or other passenger vehicle for hire. Assault 3rd Degree is a Class D felony.

Under the current law, intentionally causing physical injury to another person is Assault 4th, a Class A Misdemeanor. While it is not possible to know the number of persons who would be affected by the proposed change, the projected impact is minimal.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$118,660 to \$600,720.

1 Class D Felon costs Ky. \$11,866 to \$60,072.

100 Class D Felons cost \$1.2M to \$6M.

Additional impacts associated with this bill:

Increases in Cost of Providing County Inmates Access to Medical Network-The Department is responsible for payment for county offenders to be afforded access to medical network. The cost is calculated as follows: \$0.055 times the County Jail Average Daily Population (ADP) for the month not to exceed \$165,958 based on a negotiated ADP of 8,318. Any increases in population beyond these parameters would require DOC to negotiate to amend the contract for the corresponding increased cost.

Increase in the Cost of Housing County Offenders for Medical Treatment – KRS 441.560 - Jails may request that a county offender be admitted to a DOC institution for treatment of catastrophic medical conditions. The Department assumes the cost of housing and medical care. In FY15 \$627,985 were expended for these admissions.

Acceleration in Depletion of Catastrophic Medical Fund – KRS 441.045 -The Department's Catastrophic Medical fund is utilized to reimburse jails for medical bills for county offenders which exceed \$1,000. Once this fund is depleted, county jails are responsible for these medical bills.

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

Potential Impact: This bill elevates a menacing offense and a disorderly conduct offense from a Class B Misdemeanor to a Class A misdemeanor when the victim of the offense is an operator or passenger of a taxi, bus, or other passenger vehicle for hire. A disorderly conduct offense is also elevated from a Class B Misdemeanor to a Class A misdemeanor when any object or substance is thrown or projected at or near the operator of a taxi, bus, or other passenger vehicle for hire.

This bill is expected to increase the misdemeanor population and increase costs associated with longer periods of incarceration. While the impact is expected to be minimal, the Department is unable to project how many offenders will be arrested, convicted, probated, or incarcerated for these offenses.

A Class A misdemeanor sentence is 90 days to 1 year in jail.

A Class B misdemeanor is up to 90 days in jail.

1 Class A misdemeanor: \$2,873. to \$11,650.

1 Class B misdemeanor: up to \$2,873.

10 Class A misdemeanants: \$28,728 to 116,500.

10 Class B misdemeanants: up to \$28,728.

100 Class A misdemeanants: \$287,300 to \$1.1M.

100 Class B misdemeanants: up to \$287,300.

Local Impact - Jails -Increase in Fees Associated with Incarceration:

Any increase in the number of county offenders in county jails would increase housing costs, and other costs such as booking, court transportation, healthcare costs etc.

Catastrophic Medical Payments outlined in KRS 441.045-The Department is responsible for payments for medical bills for county inmates which exceed \$1,000. This fund is a set amount that has been insufficient to cover all bills submitted each year. Once this fund is depleted, county jails are responsible for payment of medical bills. An increase in the number of these offenders would increase cost of providing medical care to county jailers.

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