

# CORRECTIONS IMPACT STATEMENT

SESSION: 16RS BILL #: HB 40 GA BR #: 17 DOC ID#: BR001700.100 - 17 - 12

BILL SPONSOR(S): Rep. Owens AMENDMENT SPONSOR(S): Rep. Owens

SUBJECT: .AN ACT relating to criminal records.

**SUMMARY OF LEGISLATION:** Amend KRS 431.076 to expand the scope of an expungement motion under that statute to include felonies referred to a grand jury where no indictment ensues; amend KRS 431.078 to expand that statute's expungement process to include Class D felonies; amend KRS 527.040 to expressly provide that an expunged felony does not trigger the application of that statute; create a new section of KRS Chapter 413 to prohibit the introduction of information pertaining to an expunged conviction as evidence in a civil suit or administrative proceeding alleging negligent hiring or licensing.

HCS1/CI/LM - Amend to allow discretionary expungement of a second or subsequent felony, after a first felony is expunged.  
HFA1( D. Owens ) - Amend to prohibit expungement of violations of KRS 522.050, 531.335, or 529.110.

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 \$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

Section \_\_\_\_\_ Adds 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.

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

Section \_\_\_\_\_

This legislation will have no effect on local government.

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