

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 436

BR #: 195

DOC ID#:

BILL SPONSOR(S): Rep. Lee **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to probation and parole offices.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 196 to require that, in counties containing an urban-county form of government, the Department of Corrections to hold a public hearing before relocating or creating a probation and parole office, and probation and parole offices only be relocated or created in industrial zones.

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 \$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 Impact: The proposed legislation would require the Department of Corrections/Probation and Parole to hold a public meeting hearing before relocating or creating a Probation and Parole office. This impact statement is being prepared under the assumption that the proposed legislation is allowing for a hearing to be held prior to the final selection of a location for a Probation and Parole Office. This would cause a delay in securing appropriate work locations for Probation and Parole as established by statues or regulation that currently exists for acquisition of real property. Historically, there has been little issue with creation or relocation of a Probation and Parole office.

Forcing the Department of Corrections to only open offices in areas that are industrially zoned will create hardships on those who must report to the Probation and Parole Office. Due to many areas not having the infrastructure that includes public transportation offenders who must report will be forced to rely on family and friends to take them to the Probation and Parole offices. This is counterintuitive to the Re-entry efforts the Department of Corrections has implemented and is statutorily required to reduce recidivism rates. It is suspected that this move will cause an increase in individuals failing to meet their reporting requirements thus being subject to revocation simply because they would not be able to report to the Probation and Parole offices as required. It is not possible to estimate how large the impact would be on the recidivism rate, but it is suspected to be significant.

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

Persons placed on probation for misdemeanor offenses would have the same reporting difficulties as listed above for persons required to report to a Probation and Parole office that has been located in an Industrial Zone. This would increase the use of bed space in local facilities with misdemeanor and Class D felony offenders.

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