

CORRECTIONS IMPACT STATEMENT Revised 2/26/2016

SESSION: 16RS

BILL #: HB 451

BR #: 1169

DOC ID#:

BILL SPONSOR(S): Rep. Benvenuti III **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to shock probation.

SUMMARY OF LEGISLATION: Amend KRS 439.265 to prohibit shock probation if a person is convicted of violating KRS 507.040, relating to manslaughter in the second degree, or KRS 507.050, relating to reckless homicide, and a violation of KRS 189A.010, relating to driving under the influence, arising from the same incident.

This **bill** **amendment** **committee substitute is expected to:**

Have the following Corrections impact **Have no Corrections impact**

- Creates new crime(s)
- Increases penalty for existing crime(s)
- Increases incarceration
- Reduces inmate/offender services
- Increases staff time or positions
- Changes elements of offense for existing crime(s)
- Otherwise impacts incarceration (Explain) _____
- Repeals existing crime(s)
- Decreases penalty for existing crime(s)
- Decreases incarceration
- Increases inmate/offender services
- 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 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

\$0-\$1,000,000 \$1,000,000- \$5,000,000 \$5,000,000- Up

Potential Impact: Prohibits shock probation for defendants convicted of DUI in combination with manslaughter second degree or reckless homicide. Data reflects a total of 6 inmates serving on Manslaughter II or Reckless Homicide have been released on shock probation in 2015. However it should be noted that only 4 of those convicted of Reckless Homicide or Manslaughter II had an accompanying DUI Conviction. While there is no way to estimate the number of individuals who will be affected by this bill, it is expected to have minimal impact on Department of Corrections.

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 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