

CORRECTIONS IMPACT STATEMENT *Amended 3/08/16*

SESSION: 16RS

BILL #: HB 459

BR #: 1657

DOC ID#:

BILL SPONSOR(S): Rep. Riner

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to crimes and punishments.

SUMMARY OF LEGISLATION: Amend various sections of KRS Chapter 514 to raise felony theft threshold to \$2,000; create a new section of KRS Chapter 514 to establish sentencing scheme for misdemeanor theft which incentivizes restitution.

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 (**SAVINGS**) \$5,000,000- Up

Potential Impact: The proposed legislation changes the threshold for Theft By Unlawful Taking from \$500 to \$2,000. While it is assumed that this will reduce the population of offenders incarcerated under the proposed legislation it is not possible to determine how great an impact it will have. The fiscal amount of the crime is not tracked by the Department. In 2015 there were 2,315 offenders incarcerated for Theft By Unlawful Taking greater than \$500. If it is assumed that 10% of that number were incarcerated for Theft By Unlawful Taking under \$2,000, using the average cost to incarcerated for a year as \$11,866.15, then the savings for the Department could be \$2,752,946.80 a year. These individuals may be required to serve time as a Class A Misdemeanant.

Each new misdemeanor required to serve time in a county jail may pose costs to the state if these additional misdemeanants reduce the Department of Corrections' ability to utilize county jail beds. Specifically, if jail beds are exhausted by county inmates, this reduces the number of beds available to the Department to house nonviolent Class C and Class D felons. In addition to this, the Department indicated that it costs the state \$.057 per county inmate per day to utilize the Department's contract medical, dental, and psychological care access plan pursuant to KRS 441.053.

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: There would be an increase in the number of individuals who would serve on Theft By Unlawful Taking Under \$2,000. However the proposed legislation does have some alternative sentencing opportunities.

A Class A misdemeanor is 90 days to 1 year in jail	10 Class A misdemeanants: \$28,728 to 116,500.
1 Class A misdemeanor: \$2,873. to \$11,650.	100 Class A misdemeanants: \$287,300 to \$1.1M.

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