

# CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 479

BR #: 1686

DOC ID#:

BILL SPONSOR(S): Rep. D. St. Onge, A. Koenig, S. Santoro, A. Simpson, A. Wuchner

AMENDMENT

SPONSOR(S):

SUBJECT: AN ACT relating to assault.

**SUMMARY OF LEGISLATION:** Amend KRS 508.030 to make assault in the fourth degree a Class D felony if the relationship between perpetrator and victim meets the definition of family member or member of an unmarried couple; repeal KRS 508.032; amend various sections to conform.

This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact  Have no Corrections impact

Creates new crime(s)

Repeals existing crime(s)

Increases penalty for existing crime(s)

Decreases penalty for existing crime(s)

Increases incarceration

Decreases incarceration

Reduces inmate/offender services

Increases inmate/offender services

Increases staff time or positions

Reduces staff time or positions

Changes elements of offense for existing crime(s)

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

**Potential Impact:** The proposed legislation would make Assault 4th Degree a Class D Felony if the relationship between perpetrator and victim meets the definition of family member or member of an unmarried couple. There are currently three misdemeanor charges that cover domestic situations that were examined for this impact statement. Assault 4th Degree (Domestic 3rd or more within 5 years, Assault 4th degree Domestic Violence no visible injury, Assault 4th Degree Domestic Violence minor injury. According to numbers provided by AOC, in 2015 there were 4,847 cases with the charges listed above. If 10% of those cases were convicted and sentenced to incarceration, that would be an increase of 485 inmates. The average cost to incarcerate those offenders would be \$17,265,272.50.

**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:** Due to the increase of Assault 4th Degree to a Class D Felony, more offenders would be housed in the local facilities as a part of the Class D Program.

**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:**

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Commissioner, Kentucky Department of Corrections

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Date