

# CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 484

BR #: 1817

DOC ID#:

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

**SUBJECT:** AN ACT relating to strangulation.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 508 to create the crime of strangulation as a Class A misdemeanor unless certain aggravating circumstances are present, in which case its a Class D felony.

This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact     Have no Corrections impact

- |  |  |
|--|--|
| <input checked="" 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 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 makes Strangulation a Class A misdemeanor unless there are aggravating circumstances, in which case it is a Class D felony. This change would increase the number of state inmates DOC is required to incarcerate as well as the length of time they are incarcerated. As there is not data available to calculate how many offenders currently serving an offense for assault involving strangulation, the Department can provide only a possible projection of the cost.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$118,660 to \$593,310.

1 Class D Felon costs Ky. \$11,866 to \$59,331.

100 Class D Felons cost \$1.1M to \$5.9M.

**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:** The Department has no data available to calculate how many offenders who are currently prosecuted under the Class A Misdemeanor Assault statute would be prosecuted under the new provisions for strangulation. A class A Misdemeanor or under aggravated circumstances a Class D Felon would result in an increase in the number of individuals housed in local facilities for the misdemeanor offense or housed as part of the Class D program. The jails would receive a payment of \$31.92 daily per inmate for the Class D Felon from DOC, which they would not receive for a Class A Misdemeanor.

A Class A misdemeanor is 90 days to 1 year in jail

10 Class A misdemeanants: \$28,728 to 116,500.

1 Class A misdemeanant: \$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