CORRECTIONS IMPACT STATEMENT

SESSION: 16RS **BILL #:** HB 508 **BR #:** 1747 **DOC ID#:**

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

SUBJECT: AN ACT relating to the death penalty.

SUMMARY OF LEGISLATION: Amend KRS 532.025 to add the murder of a victim aged 12 years old or younger or an adult as defined in KRS 209.020 as an aggravating circumstance for the death penalty.

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 $0-$1,000,000 ☒ MODERATE $1,000,000- $5,000,000 ☐ SIGNIFICANT $5,000,000- Up

Potential Impact: The proposed legislations adds to the aggravating circumstance for the death penalty. The murder of a victim aged 12 years or younger would qualify as aggravating circumstance. It is not possible to determine how many individuals may be found guilty of a Murder of a victim under 12 years or younger.

There were 84 individuals convicted of Murder in 2015. Using the assumption that 10% of the 81 convicted of murder would qualify for the Death Penalty under the proposed legislation, 8 individuals could be sentanced to Death. Using the Class A felony Cost to Incarcerate, That would be a cost of $3,567,656.

A Class A Felony sentence is 20 years or more.

1 Class A Felon costs Ky. a minimum of $445,957.

10 Class A Felons cost a minimum of $4.4M

100 Class A Felons cost a minimum of $44.5M.

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