

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 552

BR #: 1059

DOC ID#:

BILL SPONSOR(S): Rep. R. Benvenuti III, S. Santoro

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to gang violence prevention and declaring an emergency.

SUMMARY OF LEGISLATION: Create new section of KRS Chapter 506 to provide definitions related to criminal gangs and gang activity; create a new section of KRS Chapter 506 to enumerate what constitutes criminal gang recruitment in the first, second, and third degree; amend KRS 506.120 to provide the definition of "criminal gang syndicate" and associated penalties for defendants convicted of certain offenses committed while acting as a criminal gang syndicates; amend KRS 506.150 to revise evidence that is corroborative of the existence of a gang or gang membership; create a new section of KRS Chapter 506 to require that anyone who is found to be a member of a criminal gang and subsequently convicted of a felony that put the public at risk will be sentenced one class higher than the penalty provision pertaining to the felony offense he or she was convicted for; establish a cause of action for persons harmed by a criminal gang or criminal gang member; establish that any profits or proceeds forfeited or seized from a criminal gang are suspect to forfeiture under KRS 218A.420; amend KRS 218A.420 to conform; provide that this Act will be known as the Gang Violence Prevention Act; encourage state and local law enforcement agencies to create a statewide gang violence database; repeal KRS 506.140, relating to criminal gang recruitment; EMERGENCY.

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

Potential Impact: The proposed legislation would create a Class C Felony for Criminal gang recruitment of someone under the age of 15 by someone over the age of 18. and a Class Be felony for the second and subsequent offense. It would also create a Class D felony for Criminal Gang recruitment 2nd degree and a Class C felony for second or subsequent offense. As the legislation is creating new crimes it is difficult to determine the impact on the population for the Department of Corrections. However it is expected to be minimal.

1 Class D Felon costs Ky. \$11,866 to \$60,072. 10 Class D Felons cost \$118,660 to \$600,720. 100 Class D Felons cost \$1.2M to \$6M. A Class C Felony sentence is 5 to 10 years. 1 Class C Felon costs Ky. \$111,489 to \$222,979. 10 Class C Felons cost \$1.1M to \$2.2M. 100 Class C Felons cost \$11M to \$22M. A Class B Felony sentence is 10 to 20 years. 1 Class B Felon costs Ky. \$222,979 to \$445,957. 10 Class B Felons cost \$2.2M to \$4.5M. 100 Class B Felons cost \$22M to \$44.5M.A

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 proposed legislation creates a Class A misdemeanor of knowingly encouraging or soliciting another to join a criminal gang. It is difficult to determine the impact of the proposed legislation. However it is expected to be minimal.

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