

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: SB 207 SCS 1

BR #: 2076

DOC ID#:

BILL SPONSOR(S): Sen. Schroder **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to crimes and punishments.

SUMMARY OF LEGISLATION: Amend KRS 525.200 to add elements to the offense of assault on a service animal in the first degree; amend KRS 439.3401 to classify a person convicted of attempted murder as a "violent offender"; amend 439.3406 to prevent Class B felons from participating in mandatory reentry supervision; amend KRS 532.400 to mandate that Class B felons participate in postincarceration supervision; provide language to clarify what should happen to Class B felons who have begun their mandatory reentry supervision period prior to the effective date of this Act.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|---|--|
| <input type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input checked="" type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input checked="" 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 checked="" 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 Cost: The proposed legislation changes the language around assault on a service animal first degree. Added language includes Intentionally causes physical injury to a service animal by means of a deadly weapon or dangerous instrument. Currently this is a class B misdemeanor. It would be elevated to a Class D felony. Also included is wantonly causes serious physical injury to a service animal by means of a deadly weapon or dangerous instrument. Assault on a Service Animal First Degree is a Class D felony. AOC was contacted for the number of persons charged with Assault on a service animal First Degree. Between CY 2012- 2015 there were 2 cases. 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.

The proposed legislation would classify a person convicted of attempted murder as a "violent offender". This would require the offender to serve 85% of their sentence prior to eligibility to be seen by the Parole Board. In 2015 there were 205 offenders convicted of Attempted Murder. The average length of sentence is 17 years for the 205 offenders. The average length of time for a 20% sentence completion prior to seeing the Parole Board is 3.4 years. At 85% sentence completion prior to seeing the Parole Board would be 14.45 years. The Cost to Incarcerate the 205 that were convicted in 2015 for an additional 11.05 years would be \$3,695,871.40.

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