

# CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: SB 298

BR #: 1590

DOC ID#:

**BILL SPONSOR(S):** Sen. R. Stivers II, J. Adams, R. Alvarado, J. Higdon

**AMENDMENT SPONSOR(S):**

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

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 431 to allow expungement of designated Class D felonies; amend KRS 431.076 to allow expungement of felony charges on which the grand jury has not issued an indictment and to allow an appellate court opinion to be redacted to remove the name of a person for whom an expungement has been ordered on the basis of a finding of not guilty or upon a dismissal of the charges; amend KRS 431.078 to allow for expungements of multiple misdemeanors and to prohibit any expungement if it is for an offense subject to a penalty enhancement for a second or subsequent offense; amend KRS 431.079 to conform.

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 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 checked="" 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 will allow for persons with certain class D felonies to apply for expungement. There is a \$500 fee for the expungement and it can only be applied for 10 years after serve out of completions of a person's probation or parole. Upon entry of an order vacating or expunging a conviction the Department Of Corrections would be required to delete or remove the records from the computers system so that the matter shall not appear on official state performed background checks. The Department of Corrections processed than 208 expungements for 2015. This bill is expected to increase staff time to research and process the expungement of records; however, the impact is expected to be minimal.

**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:** Local facilities would be required to remove the expunged records from their computer systems.

**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