

# CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: SB 41

BR #: 109

DOC ID#:

**BILL SPONSOR(S):** Sen. G. Neal, J. Adams, P. Clark, D. Harper Angel, R. Thomas **AMENDMENT SPONSOR(S):**

**SUBJECT:** AN ACT relating to the abolition of the death penalty.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 532 to abolish the death penalty and replace it with life imprisonment without parole for inmates presently sentenced to death; amend KRS 532.030, relating to authorized dispositions for felony offenses, to remove the death penalty; amend KRS 533.010, relating to probation, to prohibit probation for a person sentenced to life without parole or life without parole for 25 years; amend KRS 640.040, relating to penalties for juveniles convicted of felony offenses, to prohibit life imprisonment without benefit of parole, for a capital offense; amend 422.285, 532.050, and 532.100 to conform; repeal various statutes relating to imposition of the death penalty.

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 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 checked="" type="checkbox"/> Otherwise impacts incarceration (Explain) <u>Abolish Death Penalty, reduces operational costs.</u> |  |

**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 \$31.92 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 Cost: Section 1 The proposed legislation would abolish capital punishment. There are currently 32 inmates on death row in Kentucky. Abolishing the death penalty would cause these inmates to serve life without parole.

There would no longer be a need for a dedicated unit and officer for death row, which would save staff time. The "death house", an isolated facility at Kentucky State Penitentiary, could be repurposed. Other costs associated with executions would be eliminated. These include lethal injection drugs, handling of the body (ambulance, coroner, crematorium, etc.), the execution team (training and overtime pay), and added security for the public, press, etc. Costs for the use of law enforcement from local and state governments would be eliminated as well as costs the state bears for legal appeals available to death row inmates.

Given that the state has conducted only three executions since capital punishment was reinstated in the United States in 1976, holding these offenders for life would not significantly impact the department's budget.

The legislation would also call for the Division of Probation and Parole to complete presentence investigations on those convicted of a Capital Offense prior to sentencing. The impact of this change 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 \$31.34 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Creates no new misdemeanor offenses. Section

Based on the \$31.34 per diem rate, the local impact is estimated as follows:

**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

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 Date