

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: SB 77

BR #: 92

DOC ID#: BR009200.100 - 92 - 145

BILL SPONSOR(S): Sen. Neal AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to offender reentry.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 431 to allow a felony record to be expunged under specified circumstances; require the Administrative Office of the Courts to keep a confidential index of expungement orders for the preparation of presentence investigations; provide that if a defendant for whom a presentence investigation report is prepared including information relating to an expunged record is subsequently found not guilty of the offense for which the presentence investigation report was prepared or the charge or charges for which the presentence investigation report was prepared are dismissed with prejudice, then any information contained within the presentence investigation report must be redacted; amend KRS 431.078, relating to misdemeanor expungement, to begin the five-year waiting period from the date of adjudication of the offense; amend KRS 527.040, relating to possession of a firearm by a felon, to exempt individuals who have had their felony records expunged; amend various sections in KRS Chapter 335B relating to employment and licensure of persons convicted of crime to narrow the class of offenses to which the chapter applies; add consideration of the passage of time since the commission of the offense to the criteria considered in making licensure decisions; delete language relating to a hiring or licensing authority's subjective view of an ex-offender's rehabilitation; require a connection between the offense and the licensure category before a licensure denial is issued; repeal, reenact, and amend KRS 335B.060 to exempt peace officers and other law enforcement personnel as well as licensure categories preempted by federal law; repeal KRS 335B.040, relating to denial of license on ground of abuse of good moral character..

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>Staff time increase to expunge records and fee collected.</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

Creates no new felonies. Section 1 The Department of Corrections will receive an \$80 fee to expunge the records of a person who meets the requirements proposed by the legislation. The Department of Corrections processed than 208 expungements for 2015.

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.

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

Date