

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2018 REGULAR SESSION  
**Unofficial Document**

Amend printed copy of **HB 169/SCS 1**

On page 11, after line 1, by inserting:

"➔SECTION 10. A NEW SECTION OF KRS CHAPTER 506 IS CREATED TO READ AS FOLLOWS:

**The General Assembly finds:**

- (1) Public policymakers are increasingly concerned with the disparity between the number of minorities in the population and the number incarcerated in jails and prisons.**
- (2) Racial and ethnic disparities in America’s criminal justice system result in devastating consequences to society: offenders face daunting employment challenges, reduced lifetime employment earnings, and lack of access to public benefits; offenders’ families face the shame and stigma associated with incarceration, as well as the loss of financial and emotional support of a loved one; and high rates of recidivism and burgeoning prison system costs affect all communities.**
- (3) Nationally, one (1) of every nine (9) black males between twenty (20) and thirty-four (34) years old is incarcerated; thirty-seven percent (37%) of prisoners under federal and state jurisdiction at the end of 2014 were black, thirty-two percent (32%) were white, and twenty-two percent (22%) were Hispanic; according to 2014 United States Census data, thirteen and two-tenths percent (13.2%) of the United States population is black.**
- (4) Criminal justice policies, while neutral on their face, often adversely affect minority**

Amendment No. \_\_\_\_\_

Rep. Sen. Gerald A. Neal

Committee Amendment \_\_\_\_\_

Signed: \_\_\_\_\_

Floor Amendment \_\_\_\_\_

LRC Drafter: Trebelhorn, Matt

Adopted: \_\_\_\_\_

Date: \_\_\_\_\_

Rejected: \_\_\_\_\_

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communities; these unintended consequences could be more adequately addressed prior to adoption of a new initiative, particularly since such initiatives, once adopted, often are difficult to reverse.

(5) Racial and ethnic community criminal justice and public safety impact statements are tools to guide policymakers in proactively assessing how proposed sentencing initiatives affect racial and ethnic disparities of adults and juveniles in the criminal justice system. Similar to fiscal and corrections impact statements, they provide legislators and agencies with a statistical analysis of the projected impact of policy changes before legislative deliberation or administrative regulation adoption.

(6) It is altogether fitting and proper, and in the public interest, to require racial and ethnic community criminal justice and public safety impact statements to be prepared for bills, resolutions, or amendments that may result in an increase or a decrease in adult and juvenile pretrial detention, sentencing, probation, or parole populations.

(7) It is also altogether fitting and proper, and in the public interest, to require racial and ethnic community criminal justice and public safety impact statements to be included in the notice of a proposed agency rule that could increase or decrease adult and juvenile pretrial detention, sentencing, probation, or parole populations.

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 506 IS CREATED TO READ AS FOLLOWS:

(1) The Legislative Research Commission shall prepare a racial and ethnic community criminal justice and public safety impact statement for each proposed bill, resolution, or amendment that would affect pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles, including but not limited to any bill, resolution, or amendment that establishes a new crime or offense; modifies a crime or offense or the penalties associated with a crime or offense established under current law; or modifies

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procedures under current law for sentencing, parole, or probation, prior to any vote being taken on the bill, resolution, or amendment.

(2) If a racial and ethnic community criminal justice and public safety impact statement indicates a disparate impact on a racial or ethnic community, the sponsor of the bill, resolution, or amendment shall consider whether it may be amended to achieve its purpose with a lessened impact on minorities.

(3) If a bill, resolution, or amendment is amended to lessen its impact on minorities, the sponsor of the bill, resolution, or amendment shall identify in writing, in comments appended to the racial and ethnic community criminal justice and public safety impact statement, the methodology used to lessen the impact on minorities in the amended proposal.

(4) If the sponsor of the bill, resolution, or amendment elects not to amend it or if the racial and ethnic community criminal justice and public safety impact statement for an amended bill, resolution, or amendment continues to indicate a disparate impact on a minority, the sponsor of the bill shall:

(a) Withdraw the bill; or

(b) Identify in writing, in the bill and the racial and ethnic community criminal justice and public safety impact statement, his or her reasoning for proceeding with the bill despite the disparate impact.

(5) The racial and ethnic community criminal justice and public safety impact statement required in subsection (1) of this section shall include but not be limited to an assessment of the potential impact of the proposed legislation on racial and ethnic minorities, including whether it is likely to have a disproportionate or unique impact on racial and ethnic communities and the rationale, if any, for the proposed legislation having an identifiable impact on racial and ethnic communities, a statistical analysis of

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how the change in policy would affect racial and ethnic minorities, the impact of the change in policy on correctional facilities and services for racial and ethnic minorities, the estimated number of criminal and juvenile justice matters involving racial and ethnic minorities adjudicated each year, and the anticipated effect of the change in policy on public safety in racial and ethnic communities and for victims and potential victims in those communities.

(6) State agencies shall make data available to the Legislative Research Commission for the purposes of preparing racial and ethnic community criminal justice and public safety impact statements.

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 506 IS CREATED TO READ AS FOLLOWS:

In promulgating an administrative regulation impacting pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles, the Justice and Public Safety Cabinet or any unit thereof shall issue a racial and ethnic community criminal justice and public safety impact statement setting forth how the proposed administrative regulation would affect racial and ethnic minorities, including:

(1) Whether it is likely to have a disproportionate or unique impact on racial and ethnic communities and the rationale for the proposed rule having an identifiable impact on racial and ethnic communities; and

(2) Any anticipated impact upon correctional facilities and services for racial and ethnic minorities, the adjudication of criminal and juvenile justice matters involving racial and ethnic minorities, and public safety in racial and ethnic communities and the victims and potential victims in those communities."; and

By renumbering subsequent sections.