

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: HB 14 GA

BR #: 75

DOC ID#: BR007500.100 - 75 - 74

BILL SPONSOR(S): Rep. Bratcher, Fischer, Carney, DuPlessis, Horlander, Imes, Lee, Rowland, Tipton, Webber
AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to hate crimes.

SUMMARY OF LEGISLATION: Amend KRS 532.031, relating to an offense committed as a result of a hate crime, to include offenses committed against an individual because of the individual's actual or perceived employment as a city, county, state, or federal peace officer, member of an organized fire department, emergency medical services personnel; provide that "emergency medical services personnel" is defined as in KRS 311A.010; enumerate that members of an organized fire department or emergency medical services personnel includes volunteer members if the violation occurs while the volunteer is performing duties with an organized fire department or emergency medical services personnel.

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>May affect probation, shock probation, conditional discharge, or chance of parole.</u> | |

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$66.82. Most Class D felons are housed in one of 76 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$31.41 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 Impact:

The designation of a hate crime due to a person's actual or perceived employment as a peace officer, fire services, or emergency medical services may affect sentencing decisions by the Court or release decisions by the Parole Board. The finding that a hate crime was a factor in the commission of the offense may result in denial of community supervision and impact length of incarceration sentences.

Although it is not possible to determine how many offenses this legislation would affect, the overall 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 \$31.34 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:

The designation of a hate crime due to a person's actual or perceived employment as a peace officer, fire services, or emergency medical services may affect sentencing decisions by the Court for misdemeanor offenses. The finding that a hate crime was a factor in the commission of the offense as considered by the sentencing judge may impact denial of community supervision and length of incarceration sentences for misdemeanor offenses.

Although it is not possible to determine how many offenses this legislation would affect, the overall impact is expected to be minimal.

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: _____ Date _____
Commissioner, Kentucky Department of Corrections