

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: HB 185 Introduced

BR #: 1142

DOC ID#: BR114200.100 - 1142 - XXXX

BILL SPONSOR(S): Rep. R. Nelson **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to concealing a will.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 394 to prohibit the concealing of a will and establish a Class D felony penalty.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input checked="" 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 type="checkbox"/> Otherwise impacts incarceration (Explain) _____ | |

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: This legislation creates a new Class D felony of Concealing a Will. A person is guilty of concealing a will when he or she, with the intent to defraud or prevent probate, conceals, destroys, or damages any portion of a will, codicil, or other testamentary instrument.

It is unknown how many offenders would be convicted of Concealing a Will. This offense would be a Class D felony offense and possibly subject to incarceration or community supervision. However, it is not expected that the impact to the Department would be substantial, based on the expected limited number of occurrences for this offense.

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

Creates no new misdemeanor offenses.

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