

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: HB 219 Introduced

BR #: 1029

DOC ID#: BR102900.100 - 1029 - XXXX

BILL SPONSOR(S): Rep. R. Benvenuti III

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to the death penalty.

SUMMARY OF LEGISLATION: Amend KRS 532.025 to add the murder of a victim aged 12 years old or younger or an adult as defined in KRS 209.020 as an aggravating circumstance for 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 checked="" 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:

The proposed legislations adds the murder of a victim aged 12 years or younger as an aggravating circumstance the judge or jury shall consider in death penalty cases. It is not possible to determine how many individuals may be found guilty of a Murder of a victim 12 years or younger.

According to AOC data, there were 41 individuals convicted of Murder in 2016. Using the assumption that 10% of the 41 convicted of murder would qualify for the Death Penalty under the proposed legislation, 4 individuals could be sentenced to Death.

Using the Class A felony Cost to Incarcerate, the cost would be \$24,390.98 annually for each offender sentenced under the Death Penalty for a Murder of a victim 12 years or younger. To date, inmates currently under the death penalty have served an average of 24.5 years from incarceration, for an estimated cost of \$597,579.01. Inmates who have been executed spent an average of 12.2 years from incarceration until death, for an estimated cost of \$297,569.96.

A Class A Felony sentence is 20 years or more. 10 Class A Felons cost a minimum of \$4.878M

1 Class A Felon costs Ky. a minimum of \$487,820 100 Class A Felons cost a minimum of \$48.8M

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