

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: HB 251 Introduced

BR #: 1377

DOC ID#: BR137700.100 - 1377 - XXXX

BILL SPONSOR(S): Rep. J. Nemes, A. Wuchner, M. Prunty, D. St. Onge

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to the abolition of the death penalty.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 532 to abolish the death penalty and replace it with life imprisonment without parole for inmates presently sentenced to death; amend KRS 532.030, relating to authorized dispositions for felony offenses, to remove the death penalty; amend KRS 533.010, relating to probation, to prohibit probation for a person sentenced to life without parole or life without parole for 25 years; amend KRS 640.040, relating to penalties for juveniles convicted of felony offenses, to prohibit life imprisonment without benefit of parole for a capital offense; amend KRS 422.285, 532.050, and 532.100 to conform; repeal various statutes relating to imposition of 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 type="checkbox"/> Increases penalty for existing crime(s) | <input checked="" 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 legislation would abolish capital punishment. There are currently 32 inmates on death row in Kentucky. Abolishing the death penalty would cause these inmates to serve life without parole.

Inmates currently under the death penalty have served an average of 24.5 years from the start of their incarceration and inmates who have been executed spent an average of 12.2 years from incarceration until death. Inmates on death row would have an average annual cost to incarcerate of \$33,332.23.

For the 906 inmates currently serving a sentence of life without parole, the current average length of time served is 18 years. For inmates who have died while incarcerated serving on a life sentence, the average time served prior to death was 26 years. The average annual cost to incarcerate offenders with a life sentence is \$24,390.98 per year.

Under this legislation, there would no longer be a need for a dedicated unit and officer for death row. The "death house", an isolated facility at Kentucky State Penitentiary, could be repurposed. Other costs associated with executions would be eliminated. These include lethal injection drugs, handling of the body (ambulance, coroner, crematorium, etc.), the execution team (training and overtime pay), and added security for the public, press, etc. Costs for the use of law enforcement from local and state governments would be eliminated as well as costs the state bears for legal appeals available to death row inmates.

Given that the state has conducted only three executions since capital punishment was reinstated in the United States in 1976, holding these offenders for life would not significantly impact the department's budget.

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