

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: HB 80 Prefiled

BR #: 412

DOC ID#: BR041200.100 - 412 - XXXX

BILL SPONSOR(S): Rep. Watkins

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to criminal attempted murder.

SUMMARY OF LEGISLATION: Amend KRS 439.3401 to make criminal attempt to commit murder of a peace officer or a firefighter an offense for which at least 85 percent of the sentence must be served before probation or parole.

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"/> Increases penalty for existing crime(s)
<input checked="" type="checkbox"/> Increases incarceration
<input type="checkbox"/> Reduces inmate/offender services
<input type="checkbox"/> Increases staff time or positions
<input type="checkbox"/> Changes elements of offense for existing crime(s)
<input checked="" type="checkbox"/> Otherwise impacts incarceration (Explain) <u>Increases incarceration time until parole eligibility.</u> | <input type="checkbox"/> Repeals existing crime(s)
<input type="checkbox"/> Decreases penalty for existing crime(s)
<input type="checkbox"/> Decreases incarceration
<input type="checkbox"/> Increases inmate/offender services
<input type="checkbox"/> Reduces staff time or positions |
|--|---|

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 Cost:

The proposed legislation would elevate criminal attempt to commit murder under KRS 506.010 to violent offender status where the victim of the offense is a peace officer or firefighter acting in the line of duty. This would require a minimum service requirement of 85% of the sentence imposed.

In CY2014-2016 there were eighteen (18) charges with convictions for attempted murder of a police officer, according to AOC data.

The Department has no data to calculate the number of offenders who may be convicted of criminal attempt to commit murder of a firefighter. The Department currently has ten (10) offenders serving a sentence for criminal attempt to murder of a police officer who are eligible for a parole hearing after serving 20% of their sentence. Under the proposed legislation, these offenders would be required to serve 85% of their sentence. While not every offender would be paroled by the Parole Board at 20% of their sentence, as there is no way to calculate when the Board would parole each offender, 20% parole eligibility will be used in the following calculations. The difference in the number of days they would serve if paroled at 20% of their sentence as opposed to 85% of their sentence is:

CHARGE	ATTEMPT	COUNT	AVG TOTAL	AVG 20% LENGTH	AVG 85% LENGTH	DAYS DIFFERENT
Murder - Police Officer	Criminal Attempt	9	6488	1298	5516	4218
Murder - Police Officer - (Identify Weapon)	Criminal Attempt	1	7300	1460	6205	4745

The cost difference for the nine (9) offenders currently serving on Criminal Attempt to Murder - Police Officer and the one (1) offender serving Criminal Attempt to Murder - Police Officer (Identify Weapon) between serving 20% of their sentence as opposed to 85% of their sentence is calculated as follows:

9 – Cost difference between serving 85% and 20% of sentence: 4,218 days x 9 x \$66.82/day = \$2,536,620.84

1 – Cost difference between serving 85% and 20% of sentence: 4,745 days x 1 x \$66.82/days = \$317,060.90

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 proposed changes create no new crimes. Offenders sentenced under this legislation would not be housed in county jails to serve their sentences. Although these offenders would be housed in jails pre-adjudication, it is not anticipated that the addition of criminal attempt to commit murder to the violent offender statute would increase the length of time housed in the county jail pending conviction.

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