

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: SB 127 Introduced

BR #: 427

DOC ID#: BR042700.100 - 427 - XXXX

BILL SPONSOR(S): Sen. Turner

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to vacating convictions for reckless homicide.

SUMMARY OF LEGISLATION: Amend KRS 431.073 to allow convictions for reckless homicide to be vacated and expunged if the offender has first been granted a partial pardon by the Governor.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

Creates new crime(s)

Repeals existing crime(s)

Increases penalty for existing crime(s)

Decreases penalty for existing crime(s)

Increases incarceration

Decreases incarceration

Reduces inmate/offender services

Increases inmate/offender services

Increases staff time or positions

Reduces staff time or positions

Changes elements of offense for existing crime(s)

Otherwise impacts incarceration (Explain) Provides authority to vacate a sentence for Reckless Homicide.

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

Creates no new felonies.

This legislation allows for any person who has been convicted of Reckless Homicide and who has received a partial pardon from the Governor under KRS 196.045 to file in the court of conviction to have the judgment vacated.

AOC data indicates 25 convictions for Reckless Homicide in CY 2016.

KRS 196.045 provides guidelines for restoration of civil rights to eligible felony offenders. Under current statute, eligible felony offenders must have reached the maximum expiration of his or her sentence or received final discharge from the Parole Board; not have any pending warrants, charges, or indictments; and paid full restitution as ordered.

The Department processes applications for civil rights restoration under KRS 196.045. This legislation does not impact the process to restore civil rights to felony offenders.

Offenders qualifying for a partial pardon from the Governor under KRS 196.045 must have completed their sentence or supervision obligation. As individuals seeking a vacated judgment under this legislation would no longer be under the care and custody of the Department, this legislation does not have an impact for the Department of Corrections.

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