

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: SB 186 Introduced

BR #: 44

DOC ID#: BR004400.100 - 44 - XXXX

BILL SPONSOR(S): Sen. M. Wise

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to terrorism.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 411 to allow a person injured by an act of terrorism to file a claim for damages against the terrorist; create a new section of KRS Chapter 525 to establish a crime of terrorism as a capital offense; state that a person convicted of terrorism shall not be released early; amend KRS 532.025 to add a conviction of terrorism as an aggravator for the death 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 checked="" 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 legislation discusses the offense of terrorism, including definitions, recovering damages, and seizure and forfeiture.

Under this legislation, terrorism is a capital offense. An individual is guilty of a separate offense of terrorism if the underlying offense would classify the person as a violent offender under KRS 439.3401 by way of a capital offense; a Class A felony; a Class B felony involving death or serious physical injury; Reckless Homicide or Manslaughter 2nd where the victim was a peace officer or firefighter in the line of duty; or use of a weapon of mass destruction 1st, 2nd, or 3rd degree with intent.

An offender convicted of terrorism shall not be released on probation, shock probation, parole, conditional discharge, or any other form of conditional release.

Additionally, terrorism is added as an aggravating circumstance that a judge or jury shall consider in cases eligible for the death penalty.

It is not possible to estimate the number of offenders affected by this legislation. It is anticipated that few offenders would be convicted of Terrorism, but there would be significant costs to the Department due to the penalties imposed.

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