

# CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 457 GA

BR #: 390

DOC ID#: BR039000.100 - 390 - XXXX

**BILL SPONSOR(S):** Rep. J. Blanton      **AMENDMENT SPONSOR(S):**

**SUBJECT:** AN ACT relating to probation and parole supervision.

**SUMMARY OF LEGISLATION:** Amend the definition of "supervised individual" in KRS 439.250; amend KRS 439.3106 to create a new form of sanction to be applied by the Parole Board at final revocation hearings; provide that under a supervision continuation sanction, a sanctioned individual shall be returned to a jail, prison, halfway house, or inpatient treatment facility without revoking parole for up to nine months; reinstate the sanctioned individual to prior parole supervision conditions upon completion of the sanction, or return the individual to the parole board for revocation if the sanction is not successfully completed; amend KRS 439.3108 to allow probation and parole violators to have work release while in custody on discretionary detention.

---

**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 type="checkbox"/> Decreases penalty for existing crime(s)       |
| <input type="checkbox"/> Increases incarceration   | <input checked="" type="checkbox"/> Decreases incarceration            |
| <input type="checkbox"/> Reduces inmate/offender services  | <input checked="" 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 checked="" type="checkbox"/> <u>Otherwise impacts incarceration (Explain) Provides an alternative to revocation for offenders under the jurisdiction of the Parole Board.</u> |  |

---

**STATE IMPACT:** Class A, B & C felonies are based on an average daily prison rate of \$70.12. 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 \$31.45 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       MODERATE (< \$1 million)       SIGNIFICANT (> \$1 million)

HB 457 amends the statutory definition of a supervised individual to include individuals on pre-trial diversion and individuals on any type of post-release supervision following incarceration.

KRS 439.3106 is amended to allow the Parole Board to impose a supervision continuation sanction at the time of a revocation hearing. The Parole Board may impose a continuation sanction for a period of up to nine (9) months or until expiration of sentence. Individuals subject to the sanction will be considered as inmates and may be incarcerated or placed in a treatment program or halfway house.

Upon completion of the sanction, the offender shall be released back to community supervision under the same supervision conditions. If the offender does not successfully complete the sanction, he or she would be returned to the Parole Board for revocation proceedings.

KRS 439.3108 is also amended to provide work release for offenders subject to discretionary detention as a result of violations of supervision.

This legislation would provide the Parole Board an alternative to revocation for either offenders released on parole or offenders released on supervision by operation of law but for whom the Parole Board is the revoking authority, such as sex offender conditional discharge, postincarceration supervision, sex offender postincarceration supervision, and mandatory reentry supervision. As the Parole Board is not the releasing authority for these offenders, there is no mechanism for a deferment to place the offender into a needed treatment program. Currently, in response to violations, the Parole Board can either revoke the offender or continue the offender on supervision.

This legislation also reduces the workload of the Parole Board by reducing the number of cases the Parole Board must review when an offender becomes re-eligible for parole consideration after being revoked. The supervision continuation sanction would provide the necessary sanction for an offender and when the sanction has been completed, the offender would return to active community supervision without another review by the Parole Board. Once a substance abuse treatment program, or other appropriate sanction,

has been completed and the sanction has been successfully satisfied there is no need for a further review or hearing by the Parole Board.

HB 457 has a significant impact for the Department by providing another level of graduated sanctions for offenders on supervision. The alternative to revocation will reduce the number of offenders revoked, and while providing the offender with a sanction and appropriate treatment option, could reduce the number of days in custody by immediately releasing the offender back to the community upon completion of the sanction rather than having to wait until the next parole eligibility date.

Parole violators who were returned to custody served on average 210 days before they were re-released to any form of supervision. If appropriate for a supervision continuation sanction, an offender could enter custody to complete a six month treatment program and possibly be released within a similar time frame.

Additionally, the bill provides another alternative for offenders who violate sex offender postincarceration supervision, who at this time are returned to custody to complete the remainder of the postincarceration period of one (1) or five (5) years, at which time they would be released to the community without supervision. A continuation sanction would provide an alternative for a period of time in custody as a sanction for a violation of supervision, and if so merited based on the type of violation incurred, the ability to be returned to supervision in community.

Overall, this bill provides additional options to the Parole Board in the form of graduated sanctions as a response to violations of supervision.

**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  MODERATE (< \$1 million)  SIGNIFICANT (> \$1 million)

**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. The Department of Corrections and local jails continue to operate over capacity. Without steps to reduce the population, any legislation that increases population or lengthens the term of incarceration will have a significant impact on correctional operations.**

**APPROVED BY:**   
Deputy Commissioner, Kentucky Department of Corrections 3/14/18  
Date