

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 510 Introduced

BR #: 226

DOC ID#: BR022600.100 - 226 - XXXX

BILL SPONSOR(S): Rep. R. Benvenuti III **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to the wearing of masks in public.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 525 to prohibit the wearing of a hood, mask, or disguise in public for the purpose of concealing a person's identity during the commission of a crime.

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 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 \$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 510 establishes a crime if an individual wears a hood, mask, false whiskers, or any personal disguise that covers a substantial portion of the face for the purpose of escaping discovery, recognition, or identification in the commission of a crime.

The crime of masking would be a Class A misdemeanor for a first offense, and a Class D felony for a subsequent offense.

There is no way to predict how many additional offenders this legislation would generate as currently, there is no comparable crime.

Offenders convicted of Masking as a subsequent offense would receive a Class D felony offense, typically subject to incarceration at a Class D jail at a cost of \$31.34 per day. However, since these offenders would also be involved in the commission of a crime, they may incur other charges for which they would also be incarcerated. The charges may or may not be at an offense level qualifying for community custody, especially as the offense may involve assault or robbery.

Overall, the expected impact to incarceration under this legislation is likely to be minimal.

A Class D Felony sentence is 1 to 5 years.	10 Class D Felons cost KY \$114,808 to \$574,040
1 Class D Felon costs KY \$11,481 to \$57,404	100 Class D Felons cost KY \$1.1M to \$5.7M

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)

An offender incarcerated under this bill as a Class A misdemeanor or Class D felony offender would be housed in a county jail. Additional felony offenders would provide jails additional revenue. Any additional offenders, either felony or misdemeanor, would have an impact with limited jail bed space, however.

Overall, it is unknown how many offenders would receive a criminal charge of Masking. It is assumed, however, that the numbers would be such that the expected impact on local jails would be minimal.

A Class A misdemeanor is 90 days to 1 year in jail	10 Class A misdemeanants: \$28,206 to \$114,391
1 Class A misdemeanor: \$2,821 to \$11,439	100 Class A misdemeanants: \$282,060 to \$1,143,910

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:



Commissioner, Kentucky Department of Corrections

3/9/2018
Date