

# CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 60 Prefiled

BR #: 371

DOC ID#: BR037100.100 - 371 - XXXX

**BILL SPONSOR(S):** Rep. Gerald Watkins

**AMENDMENT SPONSOR(S):**

**SUBJECT:** AN ACT relating to life imprisonment for persistent felony offenders.

**SUMMARY OF LEGISLATION:** Amend KRS 532.080 to increase the sentence to life without the possibility of parole for offenders with three or more independent convictions for Class A or B felonies or capital offenses.

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 checked="" 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 \$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)

The proposed legislation would increase the sentence to life without parole for Persistent Felony Offenders 1st Degree offenders who are convicted of a Capital, Class A or Class B felony and who were previously convicted of (2) or more convictions of Class A, Class B, or Capital offenses.

There are a total of 155 inmates serving on a Capital, Class A, or Class B felony that have previously been convicted of two (2) or more Capital, Class A, or Class B felonies. Of those, 19 have a life sentence, 5 have a sentence of life without parole and 2 are sentenced to the death penalty.

Of the offenders sentenced to life without parole, the current average length of time served is a little under 8 years. Of the inmates currently serving life with eligibility for parole, the average length of time served is 13.8 years. Since 2012, 49 inmates have died while incarcerated serving on a life sentence. The average time served prior to death for those inmates was 25.7 years.

The annual cost to incarcerate an inmate in one of the Kentucky Department of Corrections facilities is \$70.12 per day/\$25,594.44 per year. If an inmate is incarcerated for 25 years the cost estimate is \$639,861 per inmate and for 50 years the estimate is \$1,279,722. If each of the 155 qualifying inmates lived at least 50 years while incarcerated, the costs would be \$198,356,910. It is also noted that as offenders age, medical costs associated with their care increases.

**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)

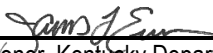
The proposed legislation does not affect offenders serving felony sentences in a county jail, nor does it impact county jail inmates, nor increase the number of days in custody pre-adjudication.

**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

**1/5/2018**  
\_\_\_\_\_  
Date