

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: SB 242 Introduced

BR #: 287

DOC ID#: XXXX

BILL SPONSOR(S): Sen. M. McGarvey **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to criminal fleeing in the first degree.

SUMMARY OF LEGISLATION: Amend KRS 520.095 to specify circumstances under which criminal fleeing in the first degree is a Class C felony.

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 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)

SB 242 expands Class D Fleeing or Evading Police 1st Degree under KRS 520.095 to add Fleeing or Evading Police 1st Degree as a Class C felony when the person flees or evades the police when operating a motor vehicle through an active school zone, speeding thirty (30) miles per hour over the speed limit in a residential area, or results in a collision with another vehicle (regarding of injury).

AOC data reflects that in FY2017 there were 549 convictions for Fleeing or Evading Police 1st Degree (including inchoate offenses).

Currently the Department has 742 offenders incarcerated and 908 offenders on supervision for the offense of Fleeing and Evading Police 1st Degree.

It is not known how many of the current Fleeing and Evading convictions may contain elements that would make it an offense, under SB 242, eligible for a Class C vs. a Class D conviction.

If SB 242 were law at the time of their convictions, and if 10% of the currently incarcerated offenders were eligible for the increased offense level, there could be seventy-four (74) offenders charged with a Class C Felony, which possesses a sentence of 5 to 10 years.

As a Class D conviction, offenders would be subject to housing at a jail facility at a cost of \$31.34 per day. To be eligible for community custody, Class C offenders would have to be classified at the lowest custody level with eighteen (18) months or less to expiration or parole eligibility. If not housed at county jail, Class C offenders would be housed at prison facility at a cost of \$70.12 per day.

Therefore, an estimated seventy-four (74) offenders could have an increased incarceration cost of \$1,044,409.36 cost per year if housed at a prison facility.

Overall, the number of offenders impacted by the legislation is not expected to be significant, however, increased incarceration costs may be significant.

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
A Class C Felony sentence is 5 to 10 years.	10 Class C Felons cost KY \$1.3M to \$2.6M
1 Class C Felon costs KY \$127,972 to \$255,944	100 Class C Felons cost KY \$12.8M to \$25.6M

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)

It is not known how many future Class D or Class C offenders would be convicted under Fleeing and Evading.

Class C community custody offenders under the legislation may be eligible to be housed at the local county jail.

Housing state inmates in county jails provides an opportunity for jails in additional revenue through state inmate per diem, however, any additional incarcerated offenders impacts local jail capacity.


Overall, the numbers involved in this legislation is not expected to be significant at the local level.

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