

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS BILL #: SB 57 HCS 1 BR #: 89 DOC ID#: SB005730.100 - 89 - XXXX

BILL SPONSOR(S): Sen. M. Wise AMENDMENT SPONSOR(S): Sen. Westerfield

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 which shall be punished by imprisonment for life without probation or parole; state that a person convicted of terrorism shall not be released early.

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 \$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 legislation creates the felony offense of terrorism. 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.

A conviction of terrorism shall be punishable by life in prison without the opportunity for parole. Further, an offender convicted of terrorism shall not be released on probation, shock probation, parole, conditional discharge, or any other form of conditional release.

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.

Senate Floor Amendment:

The Senate Floor Amendment for SB 57 is specific to civil actions and does not have an impact on incarceration.

House Committee Substitute:

The House Committee Substitute removes the categorization of terrorism as a capital offense, leaving a conviction of terrorism as punishable by a term of imprisonment for life without the benefit of probation or parole.

The Department of Corrections has almost 900 inmates currently serving a sentence of life without parole. The current average amount of time served for these offenders is 18.4 years. Since 2012, 49 inmates have died while serving 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 \$25,594.44 per year.

A Class A Felony sentence is 20 years or more.
1 Class A Felon costs KY a minimum of \$511,889

10 Class A Felons cost KY a minimum of \$5.1M
100 Class A Felons cost KY a minimum of \$51.2M

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:



Commissioner, Kentucky Department of Corrections

2/22/2018

Date