

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 115 Prefiled BR # 937 DOC ID #: 1346

BILL SPONSOR(S): Rep. C. McCoy AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to the abolition of the death penalty.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 532 to abolish the death penalty and replace it with life imprisonment without parole for inmates presently sentenced to death; amend KRS 532.030, relating to authorized dispositions for felony offenses, to remove the death penalty; amend KRS 533.010, relating to probation, to prohibit probation for a person sentenced to life without parole or life without parole for 25 years; amend KRS 640.040, relating to penalties for juveniles convicted of felony offenses, to prohibit life imprisonment without benefit of parole for a capital offense; amend KRS 422.285, 532.050, and 532.100 to conform; repeal various statutes relating to imposition of the death penalty.

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 checked="" 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 \$71.10. 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 \$32.78 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 MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The proposed legislation would abolish capital punishment. There are currently thirty (30) inmates on death row in Kentucky. Abolishing the death penalty would cause these inmates to serve life without parole.

The legislation also prohibits life imprisonment without the benefit of parole for youthful offenders convicted of a capital offense. Offenders receiving a life sentence are prohibited from being probated.

Inmates currently under the death penalty have served an average of twenty-six (26) years from the start of their incarceration and inmates who have been executed spent an average of twelve (12) years from incarceration until death. Male inmates with a sentence of death are housed at the Kentucky State Penitentiary, which has an average annual cost to incarcerate of \$37,322.43 per inmate. Female inmates with a sentence of death are housed at the Kentucky Correctional Institute for Women at an annual cost of \$29,304.82.

For the 895 inmates currently serving a sentence of life, the current average length of time served is a little under nineteen (19) years. For inmates who have died while incarcerated serving on a life sentence, the average time served prior to death was twenty-six (26) years. The average annual cost to incarcerate offenders with a life sentence is \$25,950.61 per year.

Under this legislation, there would no longer be a need for a dedicated unit and officer for death row. The "death house", an isolated facility at Kentucky State Penitentiary, could be repurposed. Other costs associated with executions would be eliminated. These include lethal injection drugs, handling of the body (ambulance, coroner,

crematorium, etc.), the execution team (training and overtime pay), and added security for the public, press, etc. Costs for the use of law enforcement from local and state governments would be eliminated as well as costs the state bears for legal appeals available to death row inmates.

Given that the state has conducted only three executions since capital punishment was reinstated in the United States in 1976, holding these offenders for life would not significantly impact incarceration.

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 MINIMAL to 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: *Arlene Daily* 1/11/2019
Deputy Commissioner, Kentucky Department of Corrections Date