

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 189 GA . BR # 1243 DOC ID #: HB018910.100 - 1243 - XXXX

BILL SPONSOR(S): Rep. J. Blanton, J. Petrie AMENDMENT SPONSOR(S): Rep. C. Booker

SUBJECT: AN ACT relating to parole violators.

SUMMARY OF LEGISLATION: Amend KRS 439.3106 to create a supervision continuation sanction to be applied by the Parole Board at final revocation hearings; provide for the return a sanctioned individual to a jail, prison, halfway house, or inpatient treatment facility without revoking parole for up to nine months; provide for reinstatement of the sanctioned individual to prior parole supervision conditions upon completion of the sanction, or return of the individual to the parole board for revocation if the sanction is not successfully completed.

AMENDMENT: Amend to clarify that a sanctioned individual who has completed his or her sentence is not returned to supervision.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
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| <input 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 checked="" type="checkbox"/> Decreases incarceration |
| <input type="checkbox"/> Reduces inmate/offender services | <input checked="" type="checkbox"/> Increases inmate/offender services |
| <input type="checkbox"/> Increases staff time or positions | <input checked="" type="checkbox"/> Reduces staff time or positions |
| <input type="checkbox"/> Changes elements of offense for existing crime(s) | |
| <input checked="" type="checkbox"/> Otherwise impacts incarceration (Explain) <u>Provides an alternative to revocation for offenders under the jurisdiction of the Parole Board.</u> | |

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)

HB 189 amends KRS 439.3106 to allow the Parole Board to impose a supervision continuation sanction in lieu of revocation. The Parole Board may impose a continuation sanction for a period of up to nine (9) months. Individuals subject to the sanction will be considered as inmates and may be incarcerated or placed in a treatment program or halfway house.

Upon completion of the sanction, the offender shall be released back to community supervision under the same supervision conditions. If the offender does not successfully complete the sanction, he or she would be returned to the Parole Board for revocation proceedings.

This legislation would provide the Parole Board an alternative to revocation for offenders released on parole as well as for offenders released on supervision by operation of law but for whom the Parole Board is the revoking authority (such as postincarceration supervision, sex offender postincarceration supervision, and mandatory reentry supervision). As the Parole Board is not the releasing authority for these offenders, there is no mechanism for a deferment to place the offender into a needed treatment program. Currently, in response to violations, the Parole Board can either revoke the offender or continue the offender on supervision.

The bill provides an alternative for offenders who violate postincarceration supervision or sex offender postincarceration, who upon violation are returned to custody to complete the remainder of one (1) or five (5) years in prison, at which time they would be released to the community without supervision. A continuation sanction would provide, if so merited, a period of time in custody as a sanction with the option to be returned to supervision in community vs. serving out a sentence with no community supervision occurring upon release.

This legislation also reduces the workload of the Parole Board by reducing the number of cases the Parole Board must review when an offender becomes re-eligible for parole consideration. The supervision continuation sanction would provide the necessary sanction for an offender and when the sanction has been completed, the offender would return to active community supervision without another review by the Parole Board. Once a six-month substance abuse treatment program, or other appropriate sanction, has been completed and the sanction has been successfully satisfied there is no need for a further review or hearing by the Parole Board.

The workload reduction to some extent is offset by the need for an additional position to process the sanctions through the Department of Corrections' Offender Information Services. The cost of one (1) offender information specialist is \$62,041 annually. Additionally, there would be a need for additional tracking mechanisms within the offender management system.

HB 189 has a significant impact for the Department by providing another level of graduated sanctions for offenders on supervision. The alternative to revocation will reduce the number of offenders revoked. Additionally, application of a supervision continuation sanction could reduce the number of days in custody by immediately releasing the offender back to the community upon completion of the sanction rather than having to wait until the next parole eligibility date.

Of the 19,942 inmates released in 2018, 6,869 (34%) had been admitted back to prison as a violator. The average length from the return violation until the 2018 release was 399 days. A nine (9) month parole continuation sanction would save, on average, 126 days in custody. If 10% of the violators in this example were appropriate for a parole violation sanction (N=687), there could be \$2.7 million in savings using the jail per diem rate of \$31.34.

Overall, this bill provides additional options to the Parole Board in the form of graduated sanctions as a response to violations of supervision.

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)

A reduction in parole violators may impact the state inmate population. While fewer state inmates would reduce the revenue opportunity for detention centers, any reduction in state inmates provides some level of relief in current overcrowding.

Projected Corrections Impact from Amendments:


The House Floor Amendment clarifies that after a parole continuation sanction a supervised individual would be continued on supervision or returned back to the parole board for violation proceedings only if he has not yet completed his sentence.

There is no additional impact to the Department of Corrections based on the House Floor Amendment.

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:  2/25/2019
Deputy Commissioner, Kentucky Department of Corrections Date