

## CORRECTIONS IMPACT STATEMENT

**SESSION: 19RS BILL # HB 233 Introduced . BR # 1103 DOC ID #: xxxx**

**BILL SPONSOR(S): Rep. C. Booker AMENDMENT SPONSOR(S): . .**

**SUBJECT:** AN ACT relating to administrative release.

**SUMMARY OF LEGISLATION:** Create a new section of KRS 439.250 to 439.560 to establish an administrative release process that allows inmates serving a sentence for a Class C or D felony offense that is not a violent or sexual offense to be released at the parole eligibility date without a hearing if the inmate does not commit a serious disciplinary violation, unless the victim or Commonwealth's attorney requests a hearing; amend KRS 439.340 and 439.3406 to conform.

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**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 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 type="checkbox"/> Increases inmate/offender services         |
| <input checked="" 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 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)

HB 233 establishes a process for administrative release. Class C and D non-violent (as defined in KRS 439.3401) and non-sex (as defined in KRS 17.550) offenders shall be administratively released on the offender's parole eligibility date without a parole hearing, unless a victim or Commonwealth's attorney requests a hearing or the offender has had a serious category III or IV disciplinary violation within a year of the parole eligibility date. The inmate has to agree to abide by the conditions set by the board. Victim notification procedures are included to align with victim notification for discretionary parole.

KRS 439.340 which provides paroling instructions is amended to include administrative release. Reference to administrative release is added to KRS 439.3406 which provides the requirements for mandatory reentry supervision.

The proposed legislation for certain non-violent, non-sexual offenders to be released administratively has the potential to reduce the state inmate population and reduce administrative staff functions for the Parole Board.

Based on a two-year average, 9,196 inmates who met the criteria for administrative parole were considered for parole by the Parole Board. Of those, an average of 3,730 were not granted parole. These offenders served an average of 323 additional days. At \$31.34 per day, administrative parole would save \$37.8 million in incarceration costs.

Administrative parole would impact the Kentucky Parole Board by reducing the large volume of parole file reviews conducted by the Parole Board each month.

At the same time, the Department of Corrections' Offender Information Services will need additional staff to cover not only the increased volume but to ensure inmates are released to supervision on the accurate date. Additionally, the

considerable number of offenders released to parole would require a significant staffing increase for the Division of Probation & Parole. This may require additional resources and staffing to provide for clinical services and treatment related to substance abuse in the community.

Administrative parole presents a unique opportunity to save the Commonwealth in days less incarcerated. It does remove discretionary release, which will also release offenders to the community who may not otherwise be paroled by the Parole Board at the first parole opportunity based on criminal history, nature of the current offense or other factors, such as the need to complete substance abuse treatment prior to release on supervision. There would be increased supervision and treatment needs in the community, which the Department would adjust for.

Overall, this bill would have a significant impact to operations for the Department of Corrections and the Parole Board, while providing a significant savings in incarceration costs.

**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)

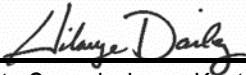
Administrative release would reduce the number of offenders in custody by releasing offenders who may not currently be released on parole at the first parole eligibility. The majority of offenders who would qualify for administrative release are currently serving their sentence of incarceration in a county jail facility.

Administrative release would reduce revenue for county jails, but would provide significant relief for jails currently experiencing overpopulation.

**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:**  2/28/2019  
Deputy Commissioner, Kentucky Department of Corrections Date