

## CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 299 GA BR # 1797 DOC ID #: BR179700.100 - 1797 - XXXX

BILL SPONSOR(S): Rep. J. Petrie, K. Moser AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to sentencing credits.

SUMMARY OF LEGISLATION: Amend KRS 197.010 and 197.045 to allow sentencing credits for life skills programs and promising practices.

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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 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 checked="" type="checkbox"/> Otherwise impacts incarceration (Explain) <u>Provides authorization of inmate sentence credits.</u> |  |

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**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 299 amends KRS 197.010 to establish a definition of a life skills program and promising practices and modifies sentence credit application for inmates under KRS 197.045.

KRS 197.045 is amended to more clearly define and consistently award sentence credit for educational or vocational programs. The revision restricts the awarding of educational sentence credits to only programs that result in a degree, diploma, or vocational/technical education program completion, thereby removing the ability to earn multiple sentence credits for multiple certifications falling under the same educational program. The revision prevents receipt of duplicate sentence credits. Additionally, correspondence courses are restricted to postsecondary education programs which result in a diploma or degree and is approved by the Department of Corrections.

Amendments to KRS 197.045 would allow offenders to receive sentencing credits for life skills programs and promising practices. Life skills programs provide strategies for offenders to assist in removing barriers to successful reintegration into the community, such as skills for time management, money management, communication and social skills. Promising practices are programs that have some research or data showing positive outcomes, but do not have enough evidence yet to meet the standard of an evidence-based program. Statute currently restricts sentence credits to evidence-based programs only.

The legislation would require the Department to establish criteria for program review to determine the program's authenticity and subsequent eligibility for sentence credit. Approval of programs shall be subject to review by the Justice and Public Safety Cabinet.

It is not known how many offenders will be impacted by the application of sentencing credits as included in this legislation. For example, last year the Department's records indicate almost 5,600 inmates enrolled in literacy, adult education/GED, or vocational educational programs. Almost 8,357 inmates completed evidence-based programming in 2018. An additional 2,109 inmates and 507 community supervision offenders completed a re-entry program which would qualify as a life skills program under this legislation.

This revision is significant to the Department of Corrections as it provides consistent application of sentence credits for offenders. Applying credit for completion of programs rewards the positive behavior of the offender and reinforces the importance of program participation. Programming assists offenders with reentry, skill building, and reduction in criminal behavior. Provision of sentence credits also reduces incarceration days, providing a significant cost savings for the Commonwealth.

**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 of days incarcerated also helps in the reduction of the inmate population. Any level of reduction is significant given the current inmate population and corresponding overcrowding in local jails.

**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:  2/26/2019  
Deputy Commissioner, Kentucky Department of Corrections Date