

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 418 Introduced BR # 1586 DOC ID #: xxxx

BILL SPONSOR(S): Rep. A. Hatton AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to maximum security penitentiaries.

SUMMARY OF LEGISLATION: Amend KRS 197.065 to provide that any person convicted of KRS 507.020 or 507.030, where the victim of the offense is a clearly identifiable peace officer, shall be directly transferred to and housed in a maximum security penitentiary.

AMENDMENT: .

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 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) Impacts Inmate Classification. | |
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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 418 modifies KRS 197.065 to require offenders convicted of KRS 507.020 Murder or KRS 507.030 Manslaughter 1st Degree where the victim is a clearly identifiable peace officer to be transferred directly to and housed in a maximum security penitentiary.

To manage the inmate population, the Department of Corrections classifies inmates according to a validated classification system which determines custody level and housing security based on several factors, to include the inmate's behavior, criminal history, and offense. In addition to housing, and within security guidelines, the classification system assesses the offender's individual criminogenic risks and needs, and makes appropriate program recommendations for the offender while incarcerated.

By policy, inmates are housed in the least restrictive environment with adequate custody supervision consistent with the inmate's classification. The Department places inmates by the inmate's custody level, bed availability, medical and mental health needs, programming participation, work assignments, and disciplinary actions.

Inmates with maximum custody classification can be housed at eight (8) different Kentucky prisons, one of which is the Kentucky State Penitentiary. The Kentucky State Penitentiary currently houses death row inmates as well as high-risk offenders in single cell housing for offender management due to behavior issues.

It should be noted that offenders with a Murder or Manslaughter conviction are not necessarily classified as maximum custody.

The cost to house an inmate annually at the Kentucky State Penitentiary is \$37,322.43 annually, which is \$11,220.92 more than the average cost to incarcerate for other prisons who house maximum custody inmates.

Currently the Department has eight (8) inmates serving on a Murder of a Police Officer. There is no current mechanism to track the type of victim for Manslaughter offenses, so this data is not available.

The legislation would place specified offenders at the Kentucky State Penitentiary regardless of classification. To house offenders identified under this legislation at the Penitentiary would be an increased cost.

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)

Projected Corrections Impact from Amendments:

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: *Randy White* **3/1/2019**
Deputy Commissioner, Kentucky Department of Corrections Date