

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # SB 245 Introduced BR # 1859 DOC ID #: xxxx

BILL SPONSOR(S): Sen. R. Mills AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to jails.

SUMMARY OF LEGISLATION: Amend KRS 441.127 to allow jails to give service credits to any county inmate in a county jail.

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 checked="" 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) . | |
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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)

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)

SB 245 proposes to modify the provision of sentence credits for inmates housed in a county jail. Removed from KRS 441.127 are words related to confinement for a conviction of misdemeanor charges. The word "county" is added to specify inmates housed in the county jail under county jurisdiction.

Credits to be applied would include work for time credit, educational credit, drug treatment or programming credit, exceptional meritorious service credit, and credit for good behavior.

While there is no clear identification for whom sentence credits would be applicable under this legislation, based on the wording deletion, credits may possibly be applied to felony offenders who remain under the court's jurisdiction. An example would be a probation violator serving a period of time in custody for completion of substance abuse treatment or as a graduated sanction in lieu of revocation.

This wording is intended to allow provision of sentence credits for additional inmates in the county jail, which would provide incentives for good behavior as well as encourage participation in programming. Application of credits reduce the total number of days to serve saving counties money and critical bed space.

Misdemeanor offenders are subject to the jurisdiction and cost of the county. Felony offenders on community supervision remain under the court's jurisdiction and if serving jail time as a condition of probation, are paid by the state at the per diem rate of \$31.34 to the county jail.

Any reduction in days incarcerated saves money and provides some level of relief for the local jail capacity.

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