

CORRECTIONS IMPACT STATEMENT

Amended 1-17-19

SESSION: 19RS BILL # SB 58 Introduced BR # 316 DOC ID #: 1360

BILL SPONSOR(S): Sen. T. Buford AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to strangulation.

SUMMARY OF LEGISLATION: Create a new section of Chapter 508 to establish the crime of strangulation.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input checked="" 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 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)

SB 58 creates a new Class D offense for Strangulation. The crime of strangulation is the wanton impediment of normal breathing or circulation of the blood of another person without consent and occurring outside of legitimate medical or dental procedures. Strangulation can occur by applying pressure on the throat or neck or blocking the nose or mouth. This conduct is a crime even if the act does not result in visible physical injury.

Class D felony offenses are subject to service of the sentence in a county jail facility at a daily cost to the state of \$31.34.

A percentage of acts currently charged as misdemeanor domestic violence offenses under current statute could be charged as Strangulation under the proposed bill, though not all domestic violence assaults reflect conduct that would be defined as strangulation.

For comparison purposes, Department of Corrections records reflect 1,677 offenders with the offense of Assault 4th Degree. Sixty-eight (68) are currently incarcerated (note: may be incarcerated on other charges) and 1,609 are on community supervision. AOC records for FY 2018 reflect 879 convictions for Assault 4th Degree in Circuit Court and 6,476 convictions for Assault 4th Degree in District Court.

It is not possible to predict how many offenders would be convicted of the felony offense of Strangulation. Overall, the addition of this Class D offense is not expected to have a significant impact on incarceration costs.

A Class D Felony sentence is 1 to 5 years.	10 Class D Felons cost KY \$119,649 to \$598,244
1 Class D Felon costs KY \$11,965 to \$59,824	100 Class D Felons cost KY \$1.2M to \$6M

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)

Offenders convicted under this legislation would be a Class D felon housed in a county jail as a state inmate. This provides additional revenue for jails. However, in times of current overcrowding any additional incarceration has an impact on the occupancy of jail beds.

Overall, the impact to incarceration under this legislation would likely be minimal to moderate.

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:  1/17/2019
Commissioner, Kentucky Department of Corrections Date