

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 219 Introduced BR # 196 DOC ID #: xxxx

BILL SPONSOR(S): Rep. R. Meeks AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to body cameras.

SUMMARY OF LEGISLATION: Amend KRS 61.168 to provide that it is a Class D felony for a law enforcement officer operating a body-worn camera in any manner that would prevent the creation of evidence with the intent to obstruct justice.

AMENDMENT: .

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 \$75.91. Community Custody Class C and most Class D felons are housed in one of seventy-seven (77) full service or regional jails for up to five (5) years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$36.70 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included). *Projections are based on the daily rate x 365 days x number of years. Offenders may have multiple offenses or incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

Projected Impact: ☐ NONE ☒ MINIMAL to MODERATE (< \$1 million) ☐ SIGNIFICANT (> \$1 million)

HB 219 amends KRS 61.168 to create a Class D felony for a law enforcement officer to operate a body-worn camera in a manner intended to prevent evidence with the intent to obstruct justice.

Class D felons would be housed at a county detention facility at the cost to the state of \$36.70 per day.

It is not known how many additional convictions would be generated under this legislation, but it would not be expected to be a significant number.

A Class D Felony sentence is 1 to 5 years.
1 Class D Felon costs KY \$13,396.97 to \$66,984.87

10 Class D Felons cost KY \$133,969.74 to \$669,848.70
100 Class D Felons cost KY \$1,339,697.40 to \$6,698,487.00

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. Since the per diem is an estimated average cost of housing an inmate, the per diem may not be the actual housing cost for the jail. *Projections are based on the daily rate x 365 days x number of years. Offenders may have multiple offenses or incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

Projected Impact: ☐ NONE ☒ MINIMAL to MODERATE (< \$1 million) ☐ SIGNIFICANT (> \$1 million)

The legislation creates a Class D felony subject to incarceration at a county detention facility. The county receives \$31.34 daily in reimbursement for housing a state prisoner. This provides an opportunity for additional revenue for jails; however, given the current population concerns, any additional incarceration has an impact on correctional populations.

The impact to local corrections based on this legislation would be expected to be minimal.

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: Kathleen M. Keeney 1/21/2020
Commissioner, Kentucky Department of Corrections Date