

# CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 524 Introduced BR # 2105 DOC ID #: xxxx

BILL SPONSOR(S): Rep. T. Branham Clark AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to crimes and punishments.

**SUMMARY OF LEGISLATION:** Amend KRS 439.315 to require fees to be waived for individuals placed on administrative supervision; require fees to be suspended for the first six months of a person's term of community supervision following release from custody, unless the releasing authority determines the individual has an ability to pay; clarify that nonpayment of fees must be willful in order to be grounds for revocation.

**AMENDMENT:** .

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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 checked="" 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) .       |   |
- 

**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)

The legislation amends KRS 439.315 waiving supervision fees for individuals placed on administrative supervision under KRS 439.3105. Fees would also be suspended for the first six months of supervision upon release from custody to parole or other form of post-release supervision, unless the releasing authority determines the person has the ability to pay.

The releasing authority may also determine that an offender does not have the ability to pay and thus should not be held from release from custody. The releasing authority may hold a hearing to determine the offender's ability to make payments. When granting release of a supervised individual, the releasing authority shall make the payment of fees a condition of release, unless the fee has been waived or suspended under the legislation.

Willful nonpayment of fees is clarified as grounds for revocation of supervision.

The legislation would provide for an adjustment period to assist offenders following a period of incarceration. Individuals targeted by the legislation are often not able to pay fees as they are living in transitional housing or participating in a substance abuse program.

**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.*

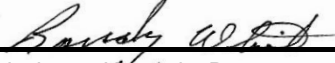
**Projected Impact:**  NONE  MINIMAL to MODERATE (< \$1 million)  SIGNIFICANT (> \$1 million)

**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:**  **3/16/2020**  
Commissioner, Kentucky Department of Corrections Date