

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 552 GA BR # 1466 DOC ID #: xxxx

BILL SPONSOR(S): Rep. C. Massey, J. Petrie AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to crimes and punishments.

SUMMARY OF LEGISLATION: Amend KRS 533.050 to require the court to considered all sanctions, including graduated sanctions adopted by the Department of Corrections for violations of the conditions of community supervision, before revoking a sentence of probation or conditional discharge; amend KRS 439.553 to conform.

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) <i>Use of Graduated Sanctions.</i> | |

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 552 amends KRS 533.050 mandating the court shall not revoke a sentence of probation or conditional discharge unless the Court has considered all other sanctions, including graduated sanctions adopted by the Department of Corrections for violations of the conditions of community supervision. KRS 439.553 is also modified stating the court shall not revoke or modify the conditions of supervision without first meeting the requirements of consideration for all other sanctions as required by the legislation.

For example, of the violations for court ordered supervised offenders in 2019, 67% (3,692) received graduated sanctions prior to revocation. Of those who had not received graduated sanctions (1,844), if 10% received graduated sanctions in lieu of revocation, the cost savings for one year of incarceration would be \$2,470,401.27.

The legislation will encourage use of graduated sanctions by Department of Corrections and the Court, which may reduce rates of revocation and ultimately reduce the number of offenders entering prison by way of violations.

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.*

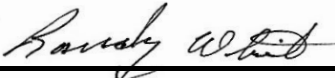
Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

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:  **3/10/2020**
Commissioner, Kentucky Department of Corrections Date