

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 595 Introduced BR # 1689 DOC ID #: xxxx

BILL SPONSOR(S): Rep. S. Westrom AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to violation of a protective order.

SUMMARY OF LEGISLATION: Amend KRS 403.763 to make subsequent violations of a protective order a Class D felony.

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 checked="" 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 595 revises KRS 403.763 adding a Class D felony level for a subsequent offense of Violation of a Protective Order. Violation of a Protective Order 1st Offense remains a Class A misdemeanor.

Records from CY2019 indicate 30,855 Interpersonal Protective, Emergency Protective, or Domestic Violence Orders issued through District and Family Court.

Violation of Kentucky EPO/DVO/IPO is a Class A misdemeanor.

There were 2,779 convictions for Violation of Kentucky EPO/DVO/IPO in FY2019.

The Department currently has 478 offenders on supervision for Violation of EPO/DVO/IPO.

It is not known how many violations of EPO/DVOs are subsequent offenses, which would be enhanced from a misdemeanor to a Class D felony under the legislation. Offenders receiving felony convictions under the legislation, given the nature of the offense, may be subject to incarceration.

While there is an increased penalty attached to this legislation, over all, the additional impact to incarceration or supervision stemming from this legislation would be expected to be in the minimal to moderate range.

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)

As a Class D offender, offenders subject to this offense would serve their sentence in a county jail at a cost to the state of \$36.70 per day, with \$31.34 daily reimbursement to the local detention center.

Under the legislation, with some Violation of a Protective Order convictions subject to the felony level, there would be fewer misdemeanor convictions.

Housing state inmates in county jails provides an opportunity for jails in additional revenue through state inmate per diem, however, any additional incarcerated offenders impacts local jail capacity.

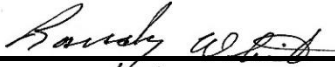
The local impact from this legislation would not be expected to be significant.

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:  **3/19/2020**
Commissioner, Kentucky Department of Corrections Date