

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 623 Introduced BR # 304 DOC ID #: xxxx

BILL SPONSOR(S): Rep. B. Reed, J. Petrie AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to school safety.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 158 to require that an individual on school district property provide government-issued photo identification if requested by a school employee, school resource officer, or law enforcement officer; provide that the individual may be required to leave the property if they refuse or are unable to comply; amend KRS 511.070, relating to criminal trespass in the second degree, to make trespassing in a school building or upon school premises to which notice against trespass is given a Class A misdemeanor; amend KRS 511.080, relating to criminal trespass in the third degree, to make trespassing upon school premises a Class B misdemeanor; amend KRS 511.090 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 checked="" 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)

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 requires individuals on school property to produce a valid government-issued ID. Refusal or inability to do so may result in the individual being asked to leave.

Under KRS 511.070, Criminal Trespass 2nd Degree is amended through the addition of a Class A misdemeanor offense of knowingly entering or unlawfully remaining on school property when notice against trespass is provided by fencing or other enclosure. Criminal Trespass 2nd Degree otherwise is a Class B misdemeanor.

Under KRS 511.080, Criminal Trespass 3rd Degree is amended to include the Class B misdemeanor of knowingly entering or unlawfully remaining on school property. Criminal Trespass 3rd Degree otherwise is a violation.

In FY 2019, AOC records reflect 1,007 convictions for Criminal Trespass 2nd Degree and 2,931 Criminal Trespass 3rd Degree.

Department of Corrections' records reflect eighty (80) community supervision offenders for the misdemeanor offense of Criminal Trespass 2nd Degree. Additionally, records reflect an additional five (5) offenders on supervision for the similar violation of law for Loitering in or about a School.

Misdemeanors are subject to the jurisdiction and cost of the county.

It is not known how many convictions would be incurred under this legislation; however, the overall impact on incarceration would be expected to be minimal.

A Class A misdemeanor is 90 days to 1 year in jail.
1 Class A misdemeanant: \$2,820.60 to \$11,439.10

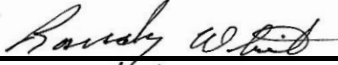
10 Class A misdemeanants: \$28,206.00 to \$114,391.00
100 Class A misdemeanants: \$282,060.00 to \$1,143,910.00

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