

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 626 Introduced BR # 2038 DOC ID #: xxxx

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

TITLE: AN ACT relating to the conduct of local elected officials.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 117 to prohibit certain conduct of local elected officials; amend KRS 117.995 to provide a Class A misdemeanor criminal charge against those local elected officials who engage in the prohibited conduct.

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 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)

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 misdemeanor offense for elected officials who misuse their positions. Violations include using his or her influence which involves a substantial conflict between personal and public interest; use his or her position for financial gain (or family or business associates); use his or her position to secure privileges or advantages for himself or others that are in violation of the public interest; or use funds, time, or personnel for private gain unless authorized by law.

Under KRS 117.995 a Class A misdemeanor is established. Misdemeanors are subject to the jurisdiction and cost of the county.

AOC reports the following convictions in FY2019: seventeen (17) convictions for misdemeanor Official Misconduct 1st Degree, eight (8) convictions for misdemeanor Official Misconduct 2nd Degree, ten (10) felony Bribery of a Public Servant, and two (2) felony Abuse of a Public Trust.

Currently, the Department of Corrections' records reflect ten (10) inmates and sixty (60) community supervision offenders for similar offenses reflecting violation of public positions (Bribery of a Public Servant, Abuse of a Public Trust, and Official Misconduct). It should be noted that only fourteen (14) of these are for a misdemeanor level offense.

It is not known how many convictions would occur under the legislation, however, the occurrence this is not likely to be significant and thus would not have a substantial impact on incarceration.

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

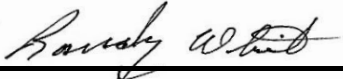
10 Class A misdemeanants: \$28,206.00 to \$114,391.00
100 Class A misdemeanants: \$282,060.00 to \$1,143,910.00

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:  **3/20/2020**
Commissioner, Kentucky Department of Corrections Date