

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 78 Prefiled BR # 431 DOC ID #: BR043100.100 - 431 - XXXX

BILL SPONSOR(S): Rep. M. Sorolis AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to voting.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 117 to allow in-person early voting between 9 a.m. and 4 p.m. on the three Saturdays preceding any primary, regular election, or special election; amend KRS 117.087, 117.165, 117.235, 117.995, and 118.035 to conform.

AMENDMENT: .

This ☒ bill ☐ amendment ☐ committee substitute is expected to:

☒ Have the following Corrections impact ☐ Have no Corrections impact

- | | |
|--|--|
| <input checked="" 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 77 full service jails for up to 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 establishes early voting. The legislation creates a Class D felony under KRS 117.995 for making a false statement on an application to cast an in-person early voting ballot.

Offenders convicted under this legislation would be a Class D felon housed in a county jail facility as a state inmate at a cost to the state of \$36.70 per day.

KRS 117.995 contains other felony and misdemeanor offenses related to knowing and willful violations of election law. The Department of Corrections records reflect zero (0) offenders incarcerated or on supervision for voting violations under KRS 117. Additionally, AOC records indicate there have not been any convictions under this chapter since 1997.

It is unknown how many additional felony convictions would be generated under this criminal offense, however, given the existing number of criminal voting-related violations, the number would likely be minimal.

Accordingly, the impact to incarceration or supervision of felony offenders under the Department of Corrections would be very little to negligible.

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)

Offenders convicted under this legislation would be a Class D felon housed in a county jail facility as a state inmate at a reimbursement rate of \$31.34 per day to the local jail.

This provides additional revenue for jails, however, the number of offenders convicted under this legislation are expected to be minimal. Additionally, offenders convicted of voting violations may receive community supervision as an alternative to incarceration. As such, there is minimal anticipated additional impact for local corrections based on this legislation.

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: Kathleen M. Kenney 1/9/2020
Commissioner, Kentucky Department of Corrections Date