

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # SB 139 Introduced BR # 1540 DOC ID #: xxxx

BILL SPONSOR(S): Sen. R. Webb AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to nonsupport.

SUMMARY OF LEGISLATION: Amend KRS 530.050 to raise the amount qualifying for flagrant nonsupport from \$1,000 to \$10,000 and raise the time period of flagrant nonsupport from 6 months to 12 months; specify lower the service time for a person jailed for nonsupport on a second or subsequent offense and that work release shall be permitted.

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 checked="" type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input checked="" 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) . | |
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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)

The legislation modifies the criminal offense of flagrant non-support under KRS 530.050, moving the arrearage amount from \$1,000 to \$10,000 and moving from six (6) months to twelve (12) consecutive months without payment of support. Language is removed determining the minor dependent to be in destitute circumstances through the receipt of public assistance. Flagrant nonsupport is a Class D felony.

Nonsupport is a Class A misdemeanor. For the second offense, work release is added to the minimum seven (7) day jail sentence. The minimum sentence for third or subsequent offenses is moved from thirty (30) to fifteen (15) days in jail with work release.

Currently the Department supervises 3,778 offenders for failure to pay child support. All are felony Flagrant Non-Support cases except for forty-seven (47) misdemeanor Non-Support cases. There are 721 current inmates with convictions for Flagrant Non-Support (*note: offender may be serving on multiple indictments*).

AOC records for 2019 indicate 3,233 Flagrant Non-Support and 606 Non-Support convictions.

While incarcerated, child support offenders are not paying toward child support obligations. While under community supervision, there is little recourse if the offender is non-compliant with child support payments.

Under an appellate court decision, child support arrearage is considered as restitution. As such, under KRS 439.563, Flagrant Non-Support offenders are subject to continued supervision past expiration of sentence and cannot be discharged from parole with child support arrearage.

Movement of the arrearage amount would significantly reduce the number of convictions for Flagrant Non-Support. A higher threshold amount would indicate a larger arrearage amount for offenders working to pay off the balance. The

