

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # SB 97 Introduced BR # 281 DOC ID #: xxxx

BILL SPONSOR(S): Sen. G. Neal AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to racial and ethnic community criminal justice and public safety impact statements.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapters 6 and 15A to make legislative findings and require racial and ethnic community criminal justice and public safety impact statements for certain legislation and administrative regulations.

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 checked="" 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 checked="" type="checkbox"/> Otherwise impacts incarceration (Explain) <i>Creates Racial and Ethnic Impact Statements.</i> | |

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)

SB 97 establishes racial and ethnic community criminal justice and public safety impact statements prepared by LRC.

The impact statements would be required for legislation that may result in an increase or decrease in adult and juvenile pretrial detention, sentencing, probation, or parole populations. This would include legislation establishing a new crime, modifying a crime or the penalties for a crime as exists under current law, or modifying procedures under current law related to sentencing, parole, or probation.

Racial and ethnic impact statements would also be included in the notice of a proposed agency rule that would increase or decrease adult and juvenile pretrial detention, sentencing, probation, or parole populations.

The Justice and Public Safety Cabinet would be required to issue a racial and ethnic impact statement when promulgating an administrative regulation for adults or juveniles impacting pretrial detention, sentencing, probation, or parole policies.

Racial and ethnic impact statements would include an assessment of the potential impact on racial and ethnic minorities, and specifically, policy impact for adjudications, victimization, and correctional facilities and services. The impact statements shall include statistical analysis and outlined methodologies.

There are instructions for bill sponsors to consider the findings of the racial and ethnic impact statements when proposing and amending bills and resolutions.

State agencies would be required to provide data for LRC for the purpose of racial and ethnic impact statements.

The impact for Kentucky Department of Corrections under the legislation would be the provision of data for the preparation of impact statements. With consideration for volume, this may require dedicated staffing from the Department for impact statements.

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)

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: Karen M. Keagy 1/24/2020
Commissioner, Kentucky Department of Corrections Date