

# CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # HB 244 Introduced BR # 142 DOC ID #: xxxx

BILL SPONSOR(S): Rep. L. Willner, A. Scott, G. Brown Jr., N. Kulkarni, S. Westrom AMENDMENT  
SPONSOR(S): . .

TITLE: AN ACT relating to police reform.

**SUMMARY OF LEGISLATION:** Amend KRS 500.080 to define "active denial system," "chemical agent," "kinetic energy projectile," and "long range acoustic device"; amend KRS 503.090 to provide circumstances where a peace officer may use active denial systems, chemical agents, kinetic energy projectiles, and long-range acoustic devices on another person; amend KRS 15.334 to require the Kentucky Law Enforcement Council to approve de-escalation training courses for students attending law enforcement basic training; create a new section of KRS Chapter 15 to prohibit the use of certain law enforcement tactics; create a new section of KRS Chapter 15 to prohibit the procurement of certain property from a military equipment surplus program and require law enforcement agencies to forfeit or dispose of such property within 180 days; amend KRS 15.440, 61.168, 61.912, 61.914, and 532.100 to conform.

**AMENDMENT:** .

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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 checked="" type="checkbox"/> Otherwise impacts incarceration (Explain) <i>Outlines use of force justification.</i> |  |
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**STATE IMPACT:** Class A, B, & C felonies are based on an average daily prison rate of \$80.24. 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 \$37.35 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included).\*

**Projected Impact:**  NONE  MINIMAL to MODERATE (< \$1 million)  SIGNIFICANT (> \$1 million)

The legislation adds several less than lethal definitions to KRS 500.080 and under KRS 503.090 specifies when less than lethal methods can be used by peace officers. Under the legislation, less than lethal methods of force could only justifiably be used to protect another person from imminent serious physical injury or death.

Similar less than lethal definitions, restrictions, and censoring actions are added to KRS Chapter 15. KRS 15.334 adds mandatory training requirements for the Kentucky Law Enforcement Council. Several statutes are amended to conform.

Violations of the legislation could result in peace officers being charged with violations of the law through unjustified use of force. Criminal convictions stemming from this would not be expected to be substantial in number and likely would not have a significant impact on incarceration.

**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. The estimated impact will be based on the \$37.35 cost to incarcerate while \$31.34 is the per diem and medical that DOC pays jails to house felony offenders. Since the cost to incarcerate is an estimated average cost of housing an inmate, this may not be the actual housing cost for the jail.\*

**Projected Impact:**  NONE  MINIMAL to MODERATE (< \$1 million)  SIGNIFICANT (> \$1 million)

**Projected Corrections Impact from Amendments:**

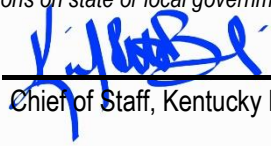
*\*All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

**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, lengthens the term or incarceration, or impose new obligations on state or local governments.

APPROVED BY:



Chief of Staff, Kentucky Department of Corrections

2/14/2021

Date