

# CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # HB 425 HCS 1 BR # 1297 DOC ID #: HB042530.100 - 1297 - XXXX

BILL SPONSOR(S): Rep. N. Tate, K. King

AMENDMENT SPONSOR(S): Rep. N. Tate

TITLE: AN ACT relating to elections.

**SUMMARY OF LEGISLATION:** Amend various sections of KRS Chapters 83A, 116, 117, 118, 118A, 119, 120, 242, and 424 relating to paper ballots, voting equipment, voting systems, and elections; repeal KRS 117.381 and 117.387, relating to electronic voting systems.

**AMENDMENT:** Retain original provisions of the bill with the following changes: amend KRS 177.255 to prescribe who may provide assistance to the voter; and amend KRS 119.205 to designate who may transport voters to the polls on the day of an election with criminal penalties prescribed.

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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 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 \$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)

HB 425 addresses several items related to voting.

Under Section 34, KRS 117.995 holds penalties for several felony and misdemeanor offenses related to knowing and willful violations of election law. The Class A misdemeanor under this KRS which prohibits election officers from willfully failing to prepare a ballot or failing to allow a qualified voter to vote includes slight wording modification for ballot labels and voting machines.

Under Section 49, the Class A misdemeanor and Class D felonies in KRS 119.115 contain similar wording changes for regular elections rather than general elections, removal of ballot labels, and the addition of phrases such as voting equipment and voting system.

The Department of Corrections records reflect zero (0) offenders incarcerated or on supervision for voting violations under KRS 117. There is one (1) individual in custody for violations of law under KRS 119.035 related to altering or destruction of registration records.

It is unknown how many additional felony convictions would be generated under this criminal offense, however, given the nature of the proposed modifications and historical low number of criminal voting-related convictions, the number of convictions related to these offenses 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.

## Cost to Incarcerate

A Class D Felony sentence is 1 to 5 years.

1 Class D Felon costs KY \$13,634.54 to \$68,172.72

10 Class D Felons cost KY \$136,345.44 to \$681,727.22

100 Class D Felons cost KY \$1,363,454.45 to \$6,817,272.25

**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)

Class D felony offenders convicted under this legislation, if incarcerated, would serve their sentence in a county jail at a cost to the state of \$37.35 per day, with \$31.34 daily reimbursement to the local detention center.

Misdemeanors are subject to the jurisdiction and cost of the county.

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.

**Cost to Incarcerate**

A Class A misdemeanor is 90 days to 1 year in jail.	10 Class A misdemeanants: \$33,619.42 to \$136,345.44
1 Class A misdemeanor: \$3,361.94 to \$13,634.54	100 Class A misdemeanants: \$336,194.25 to \$1,363,454.45
A Class B misdemeanor is up to 90 days in jail.	10 Class B misdemeanants: up to \$33,619.42
1 Class B misdemeanor: up to \$3,361.94	100 Class B misdemeanants: up to \$336,194.25

**PROJECTED CORRECTIONS IMPACT FROM AMENDMENTS:**

House Committee Substitute: The House Committee Substitute adds, under Section 64, a Class B misdemeanor offense under KRS 119.205 concerning individuals who transport voters to polls on behalf of a candidate adds definitions surrounding committees and payment. An additional Class B misdemeanor offense is established specifying no candidate or candidate's campaign committee shall pay any person, including campaign workers, to transport voters to polls. In addition, a person may be convicted of a violation pursuant to KRS 502.020 Liability for conduct of another – Complicity.

Given limited convictions under KRS 119, there is little to no additional impact from the criminal penalty in the House Committee Substitute.

*\*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:  2/26/2021  
Chief of Staff, Kentucky Department of Corrections Date