

CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # HB 440 GA BR # 453 DOC ID #: xxxx

BILL SPONSOR(S): Rep. K. Moser AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to probation and parole.

SUMMARY OF LEGISLATION: Create a new section of KRS 439.250 to 439.560 to allow for a probation and parole officer to meet with a probationer or parolee via approved technology instead of in-person; require the Department of Corrections to promulgate 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 type="checkbox"/> Increases staff time or positions | <input checked="" 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>Impacts Probation & Parole policy.</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)

HB 440 addresses reporting by individuals on community supervision under the Division of Probation & Parole. The legislation requires reporting opportunities at times and locations that accommodate offenders' work schedules. To assist in accommodating this, for employed offenders, the legislation offers reporting through technological means in lieu of face-to-face meetings with the probation or parole officer. Simultaneous voice and video communication is specified. For self-employed offenders, this option may be used at the Officer's discretion. The Department shall promulgate regulations, to include eligibility for this type of reporting. The nature of the conviction, criminal history, supervision level, and past supervision history are cited as factors.

The Division of Probation & Parole currently supervises just under 49,000 clients under court ordered supervision or parole board release across fifty-seven (57) offices across the Commonwealth.

The Division of Probation & Parole currently has been utilizing video and telephone reporting throughout the COVID-19 pandemic. Guidelines are in place to determine if the offender needs to report in person, such as suspicion of drug use, receipt of community complaints, arrest or contact with law enforcement, other areas of non-compliance, or completion of actions/paperwork such as collection of DNA. Reporting requirements differ by levels of supervision ranging from twice a month to quarterly or administrative reporting. Level of supervision is determined by use of a validated risk and needs assessment.

The Division of Probation & Parole seeks to utilize technology and other resources to provide the best supervision and case management to individuals under supervision. Allowing Officers to use tools to maximize their caseload management and time is mutually beneficial to staff and individuals they serve. The Division will be able to utilize video reporting and other services such as appointment reminders through a mobile phone application which will be available to offenders later this year.

- ◆ Similar efforts in other states have shown decreased incidents of failure to report. The application provides clients the option to check-in remotely, pay fees online, and view basic supervision information. In addition,

clients can access resources available based on their location, such as social service agencies or treatment programs. In addition to reporting, such technology may also link to tele-health and tele-treatment options.

- ◆ This technology can save staff time by noting the location of the supervised individual, automatically entering record of the contact in the offender management system, and reducing travel time. Allowing the supervised individual to enter information such as a change in address through an online portal will provide more time during the meeting with the Officer to focus on the client's wellbeing and progress.

The Division of Probation and Parole welcomes legislation authorizing Probation & Parole Officers to meet with supervised individuals using available technology. Allowing video reporting in pre-approved and policy-defined situations will enhance the success of the supervised population.

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:

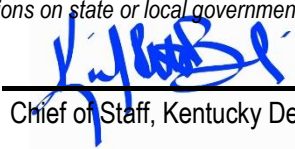
**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers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

2/24/2021

Date