

# CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # HB 469 Introduced BR # 90 DOC ID #: xxxx

BILL SPONSOR(S): Rep. A. Scott AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to law enforcement.

**SUMMARY OF LEGISLATION:** Amend KRS 15.520 to define "deadly incident"; amend KRS 15.440 to require law enforcement agencies to adopt a written policy for mandatory drug testing of officers after the discharge of a firearm or deadly incident; amend KRS 15.330 to require the Kentucky Law Enforcement Council to create and maintain a database containing information relating to peace officer certification, termination, and compliance with training requirements; create various new sections of KRS Chapter 15 to require a peace officer to report information gained during a contact with another person to their agency; to require information gathered by a law enforcement agency from peace officer contacts to the Justice and Public Safety Cabinet by January 1, 2023, and each January 1 after; to require a peace officer to intervene to prevent another peace officer from using excessive physical force; to establish a Class A misdemeanor for a failure to intervene; to require a Commonwealth or county attorney to release certain information to the public regarding an investigation into an incident involving the discharge of a firearm by a peace officer that resulted in injury or death; amend KRS 15.340, 15.460, 15.520, and 15.512 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 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)

**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)

HB 469 discusses law enforcement policy related to use of deadly force, prohibited profiling, and record keeping related to use of force, drug and alcohol testing, peace officer investigations, and terminations. Reporting requirements are specified.

Under Section 6 of the legislation, peace officers are instructed to intervene to prevent another officer from using physical force that exceeds use of force that is legally justified. The officer shall report the situation and intervention to a supervisor.

A peace officer who fails to intervene to prevent the use of unlawful force shall be subject to a Class A misdemeanor. The legislation includes reporting requirements for a deadly incident and when a peace officer is charged with excessive use of force.

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

The number of convictions for the misdemeanor established in this legislation would not be expected to be significant. Overall the impact to local incarceration under this legislation would be minimal.

Cost to Incarcerate

A Class A misdemeanor is 90 days to 1 year in jail.  
1 Class A misdemeanor: \$3,361.94 to \$13,634.54

10 Class A misdemeanants: \$33,619.42 to \$136,345.44  
100 Class A misdemeanants: \$336,194.25 to \$1,363,454.45

**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:



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Chief of Staff, Kentucky Department of Corrections

2/24/2021

Date