

CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # HB 551 Introduced BR # 1411 DOC ID #: xxxx

BILL SPONSOR(S): Rep. C. Freeland, C. Massey

AMENDMENT SPONSOR(S): . . .

TITLE: AN ACT relating to virtual court proceedings.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapters 23A and 24A to establish remote attendance by a defendant who is in jail or a detention facility via two-way audio-video communications; specify proceedings when remote attendance is required and when permitted; establish parameters to ensure protection of rights; establish local determination in juvenile criminal cases in district court.

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 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 policy.</i> | |

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 551 establishes video court hearing for incarcerated individuals for Circuit, Family, and District Court. This includes arraignments, bond hearings, pretrial conferences, non-evidentiary hearings, and first appearances for violation proceedings.

This type of court appearance is permitted but not required for other court proceedings, such as guilty pleas, sentencing, evidentiary hearings, and violation hearings. The defendant shall consent to the video hearing. Specific requirements are included, such as availability to the public, ensuring two-way audio-video communications, continuation of hearings, and juvenile criminal matters.

Availability of video court hearings would be very beneficial for revocation hearings, providing Probation & Parole Officers with more time for other areas of supervision. Reduction in prisoner transports would be very beneficial for the Department in terms of individuals serving a sentence who have pending court cases. The reduction of transporting prisoners to court would increase officer safety, reduce overtime costs, and allow for reallocation of staffing resources.

- ◇ Over 3,000 state inmates have detainers for pending charges, with 43% located in prisons and 57% located in jails.
- ◇ In 2019, the Department averaged 325 court trips per month. This is a cost of approximately \$75,000 in staffing each month, not including other transportation related costs such as mileage.

Any transport outside of the correctional facility poses higher risks for staff safety. Most importantly, the reduction of inmate transports increases public safety.

The opportunity to resolve charges while incarcerated would alleviate the release of inmates to detainers for pending charges at the end of their current sentence, particularly for pending misdemeanor offenses. This better facilitates the transition back to the community after release from incarceration. This is especially vital if the offender is pending admission into a treatment program and would reduce absconding during this higher risk period.

There may be some cost for the Department in expanded video conferencing equipment and space, including a private but secured area or connection for the defendant and defense counsel.

In summary, HB 551 would provide cost savings and have a positive impact on operations for the Department of Corrections.

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)

Video hearings will also provide benefits at the local level to reduce costs for county detention centers and sheriff's offices in transporting county prisoners and state inmates for court hearings.

County detention centers would be required to have appropriate video conferencing equipment to provide for court hearings under the legislation. This would necessitate equipment costs as well as space dedicated for this purpose.

Many local jails have been facilitating virtual court during the COVID-19 pandemic. The legislation would standardize procedures across the Commonwealth.

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:  **3/2/2021**
Chief of Staff, Kentucky Department of Corrections Date