

# CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # HB 580 Introduced BR # 1412 DOC ID #: xxxx

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

TITLE: AN ACT relating to crimes and punishments.

**SUMMARY OF LEGISLATION:** Amend KRS 533.050 to require the court to consider all sanctions, including graduated sanctions adopted by the Department of Corrections for violations of the conditions of community supervision, before revoking a sentence of probation or conditional discharge; amend KRS 439.553 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>Impacts Judicial 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 580 prohibits the Court under KRS 533.050 from revoking a sentence of probation or conditional discharge unless the Court has considered all other sanctions for violations of supervision. Section 2 adds similar language and individuals on conditional discharge to KRS 439.3108.

The Division of Probation & Parole makes every effort to employ graduated sanctions with individuals on community supervision. Except in cases involving serious concerns for public safety, alternatives to incarceration are the first steps in response to violations of supervision, especially for substance abuse treatment.

As a general practice, Courts widely impose alternative sanctions prior to revocation. For areas where the Court has not yet adopted the graduated sanction approach to violations of supervision, the legislation would impose the practice.

As many Courts currently utilize this model, the legislation is not expected to significantly modify outcomes of probation revocation hearings. However, the legislation would make the judicial approach to violations of supervision more standardized across the Commonwealth.

**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:**

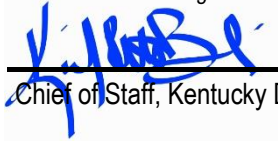
*\*All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers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



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Chief of Staff, Kentucky Department of Corrections

**3/15/2021**

Date