

CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # SB 140 GA BR # 1555 DOC ID #: xxxx

BILL SPONSOR(S): Sen. R. Mills AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to jails.

SUMMARY OF LEGISLATION: Amend KRS 441.055 to specify what jail regulations must allow regarding receipt of documents, mail, and meetings with attorneys.

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 checked="" type="checkbox"/> Increases inmate/offender services |
| <input checked="" 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) . | |
-

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)

The legislation modifies KRS 441.055, which is specific to jails which house state prisoners. Under the legislation, the jail standards would be modified to allow for provision of required documents, such as mail, to prisoners through an electronic format. The legislation includes specifics for items such as legal mail and confidential access to attorneys. The bill also allows for the delivery of court mail, legal mail, or mail from a public official to be delivered to the prisoner via an electronic copy after being opened and inspected in the presence of the prisoner.

The bill would require an amendment to the jail standards under KAR 501 Chapter 3 to add the language required under the legislation. Jails would be required to explicitly add the required language to their policy. Jails are not currently prohibited from facilitating inmate mail as outlined in the bill, but are not currently required to address this in their jail policy.

The cost for jails to provide mail to inmates through an electronic format would include staff to scan inmate mail, scanning equipment, or a contract with a vendor to digitize inmate mail. Some jails may have such functions in place already.

Overall, Department of Corrections predicts the legislation would have a significant policy and fiscal impact for jails, but a more accurate assessment of the fiscal impact would be needed from the Kentucky Jailers Association.

Projected Corrections Impact from Amendments:

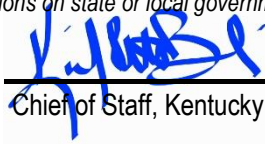
**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers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

2/21/2021

Date