

CORRECTIONS IMPACT STATEMENT

SESSION: 22RS BILL # HB 216 GA BR # 990 DOC ID #: xxxx

BILL SPONSOR(S): Rep. W. Lawrence AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to crimes and punishments.

SUMMARY OF LEGISLATION: Amend KRS 508.075 to include domestic violence shelters as a covered location for terroristic threatening in the first degree.

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 checked="" 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 \$97.60. Community Custody Class C and most Class D felons are housed in one of seventy-four (74) full service or regional jails for up to five (5) years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$35.43 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)

The impact on incarceration under HB 216 would be expected to be minimal.

The proposed legislation amends KRS 508.075 Terroristic Threatening to include property or buildings owned or leased by domestic violence shelters. Terroristic Threatening 1st Degree involves making false statements with a threat of a weapon of mass destruction. Domestic violence shelters are defined in KRS 511.085.

KRS 508.075 Terroristic Threatening 1st Degree is a Class C felony.

AOC records indicate one (1) conviction for Class C Terroristic Threatening in FY21.

Currently the Department of Corrections has six (6) inmates under KRS 508.075 and seven (7) individuals on community supervision for this offense.

- ◆ Class C offenders may be eligible to serve their sentences at the county jail if qualifying for community custody, based on length of sentence remaining and custody classification.
- ◆ If not community custody eligible, offenders would be housed at a state prison at a cost of \$97.60 per day.

It is not possible to anticipate how many additional offenses would be generated under the legislation. However, the addition of domestic violence shelters to Terroristic Threatening is not likely to significantly increase the number of convictions under KRS 508.075.

Cost to Incarcerate

A Class C Felony sentence is 5 to 10 years.

1 Class C Felon costs KY \$178,119.59 to \$356,239.18

10 Class C Felons cost KY \$1,781,195.88 to \$3,562,391.76

100 Class C Felons cost KY \$17,811,958.80 to \$35,623,917.60

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 \$35.43 cost to incarcerate for the Department of Corrections, including \$31.34 per diem and medical that DOC pays jails to house felony offenders. This cost to incarcerate may not be the actual housing cost for the jail.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The modification to statute under the legislation is not expected to significantly impact the number of state inmates housed in local detention centers.

Class C offenders under this legislation may be eligible to serve their sentences at the county jail if qualifying for community custody, based on length of sentence remaining and custody classification. Offenders serving their sentence in a county detention facility cost the Department \$35.43 per day, with \$31.34 daily reimbursement to the local detention center.

PROJECTED IMPACT FROM AMENDMENTS:

NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

**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

2/8/2022

Date