

CORRECTIONS IMPACT STATEMENT

SESSION: 22RS BILL # HB 256 GA BR # 965 DOC ID #: xxxx

BILL SPONSOR(S): Rep. D. Elliott AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to the unauthorized practice of law.

SUMMARY OF LEGISLATION: Amend KRS 524.130 to increase the class of the crime of the unauthorized practice of law from a Class B misdemeanor for the first offense to a Class A misdemeanor, and establish each subsequent offense as a Class D felony.

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 checked="" 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) . | |
-

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)

HB 256 modifies the criminal penalty for unlawful practice of law under KRS 524.130. Unauthorized Practice of Law is currently a Class B misdemeanor. The legislation modifies the penalty to a Class A misdemeanor for a first offense and a Class D felony for a second or subsequent offense.

The Department has one (1) offender under misdemeanor community supervision for a conviction under KRS 525.130.

The increase from a misdemeanor to a felony penalty does increase costs associated with a felony conviction. However, convictions associated with this offense are likely to be limited in number and any associated incarceration would also be expected to be limited.

The legislation will have very minimal impact on incarceration.

Cost to Incarcerate

A Class D Felony sentence is 1 to 5 years.

1 Class D Felon costs KY \$12,931.86 to \$64,659.30

10 Class D Felons cost KY \$129,318.61 to \$646,593.03

100 Class D Felons cost KY \$1,293,186.06 to \$6,465,930.31

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. Kentucky jails report their actual cost to incarcerate is closer to an average of \$45 per day.*

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

Currently offenses under this statute are misdemeanors, subject to the jurisdiction and cost of the county.

Under the legislation, individuals convicted of a second offense would be a Class D felony, with service of a sentence at a county detention facility at a cost to the Department of \$35.43 per day, with \$31.34 daily reimbursement to the local detention center.

Raising of the criminal penalty for this offense could shift some cost away from the counties. However, the felony would only be applied for a second or greater offense, which would be expected to be few with limited associated incarceration.

Overall, convictions under KRS 524.130 would be expected to be minimal in number. The legislation will have little to no impact on incarceration.

Cost to Incarcerate

A Class A misdemeanor is 90 days to 1 year in jail.
1 Class A misdemeanor: \$3,188.68 to \$12,931.86

10 Class A misdemeanants: \$31,886.78 to \$129,318.61
100 Class A misdemeanants: \$318,867.80 to \$1,293,186.06

A Class B misdemeanor is up to 90 days in jail.
1 Class B misdemeanor: up to \$3,188.68

10 Class B misdemeanants: up to \$31,886.78
100 Class B misdemeanants: up to \$318,867.80

PROJECTED IMPACT FROM AMENDMENTS:

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

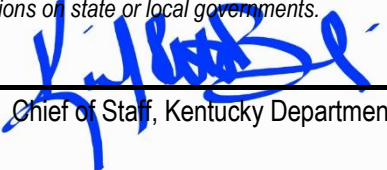
**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers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

1/12/2022

Date