

CORRECTIONS IMPACT STATEMENT

SESSION: 22RS BILL # HB 313 Introduced BR # 89 DOC ID #: xxxx

BILL SPONSOR(S): Rep. J. Blanton, J. Nemes AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to bail.

SUMMARY OF LEGISLATION: Amend KRS 431.510 to make operating a charitable bail organization unlawful; define terms.

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>modifies pretrial release.</i> | |
-

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 legislation prohibits the operation of a charitable bail organization. The impact of the legislation on pre-adjudication incarceration cannot be determined at this time.

Charitable bail organization is defined as a non-profit charity that solicits or accepts donations from the public and posts bail or bond for persons charged with a crime or owes fines or costs.

It is unknown how often charitable organizations pay a sum of money for bail for incarcerated individuals. It is assumed that, to some extent, organizations may currently post bail for individuals who could not otherwise afford to post a bail amount, thus resulting in an increased number of days spent incarcerated prior to sentencing.

While the Commonwealth's pretrial system does not directly impact post-adjudication incarceration, pre-adjudication incarceration has a correlated impact on sentence lengths for the Department of Corrections. For offenders ultimately sentenced to incarceration, fewer days of jail custody credit is a cost savings for the county but equates to a higher number of days left to serve on their sentence, which is a cost for the state.

.
. .
.

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)

It is not known how many offenders currently are released on bail posted by a charitable bail organization that would be prohibited by the legislation.

Additionally, it is not known at what point during the court process that charitable organizations may intercede to post bail on behalf of the defendant. It is assumed this type of bail payment is likely to occur for those individuals who otherwise would not be eligible for administrative release or those who do not have the means otherwise to post bail.

Some areas of the Commonwealth may not frequently see actions by charitable bail organizations, with no impact stemming from the legislation. For areas where charitable bail organizations are more active, the legislation could have a fiscal impact at the local level if fewer offenders are released on bail. A higher number of days in custody pre-adjudication equates to incarceration costs for the counties.

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

2/17/2022

Date