

CORRECTIONS IMPACT STATEMENT

SESSION: 22RS BILL # HB 488 GA BR # 1329 DOC ID #: xxxx

BILL SPONSOR(S): Rep. S. Heavrin, J. Petrie AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to orders of protection.

SUMMARY OF LEGISLATION: Amend KRS 403.763 and 456.180 to enhance a second or subsequent violation of an order of protection to 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) . | |
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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 legislation modifies KRS 403.763 and KRS 456.180 related to violation of protection orders. Overall, the legislation would have a minimal to moderate impact on incarceration.

Violation of a domestic violence/emergency protection order/interpersonal protection order is currently a Class A misdemeanor.

- ◆ The legislation adds a Class D felony for a second or subsequent violation of a protection order within five (5) years.
- ◆ This applies even if the protection orders are different victims. The five (5) year term is based on the date of the offense.

AOC records from CY2021 indicate 29,011 Emergency Protective Orders (EPO), Temporary Interpersonal Protective Orders (TIPO), Domestic Violence Orders (DVO), and Interpersonal Protective Orders (IPO) filed.

Violation of Kentucky EPO/DVO/IPO is a misdemeanor. According to AOC records, there were 3,226 convictions for Violation of Kentucky EPO/DVO/IPO in FY2021.

Department of Corrections has 668 offenders under misdemeanor supervision with convictions for Violation of Kentucky EPO/DVO/IPO.

Under the legislation, it is unknown how many offenders may receive a second offense within the specified time frame.

The higher offense level would present incarceration costs for the Commonwealth due to the felony designation.

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.*

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

The proposed legislation would have a modest impact on local corrections.

Incarceration of the Class D felons under the legislation would be a cost to the state of \$35.43 per day, with \$31.34 daily reimbursement to the local detention center.

Misdemeanor offenses are subject to the jurisdiction and cost of the county.

Some offenses that are currently by statute misdemeanors, would, under the legislation, be subject to the felony level offense if incurring a second or subsequent offense within the five (5) year timeframe.

While it is not possible to estimate the number of felony convictions under the proposed legislation, the change from a misdemeanor level to a felony level would provide a reduction in county costs for individuals who receive a sentence of incarceration for the felony level offense.

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

PROJECTED IMPACT FROM AMENDMENTS:

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

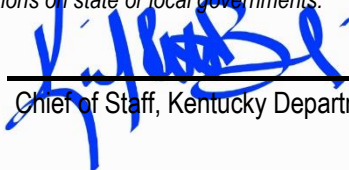
**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers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

2/23/2022

Date