

CORRECTIONS IMPACT STATEMENT

SESSION: 22RS BILL # HB 767 GA BR # 1105 DOC ID #: xxxx

BILL SPONSOR(S): Rep. C. Massey AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to the state lottery.

SUMMARY OF LEGISLATION: Amend KRS 154A.990 to remove language making it a Class C felony to falsely make, alter, forge, utter, pass, or counterfeit a state lottery ticket.

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 checked="" 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 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)

The legislation removes the Class C felony from KRS 154A.990 for a person who, with intent to defraud, falsely alters, forges, or counterfeits a state lottery ticket. The number of convictions under this statute are minimal.

KRS 154A.990 contains several criminal offenses ranging from misdemeanors to Class B felonies related to the state lottery system.

The Department of Corrections currently has one (1) inmate and seven (7) offenders on community supervision for offenses under KRS 154A.990.

Of these, four (4) have convictions for the Class C offense of Lottery Alter/Forge/Utters/Passes/Counterfeits Ticket.

One (1) individual has a conviction for the similar Class B offense of influencing or attempting to win a prize through coercion, fraud, deception, or tampering with lottery equipment or materials.

The removal of the Class C criminal offense under KRS 154A.990 would shift behavior that would fall under this offense to other criminal charges and may result in the application of the higher criminal penalty.

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)

Overall, the change to the statute as proposed in this bill would have a very minimal impact on local incarceration.

Offenders currently incarcerated for this Class C offense may be eligible for community custody housing at a local jail facility.

PROJECTED IMPACT FROM AMENDMENTS:

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

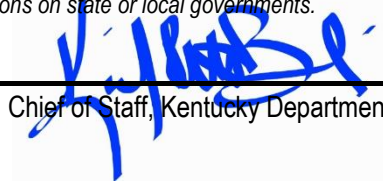
**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers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

3/9/2022

Date