

CORRECTIONS IMPACT STATEMENT

SESSION: 22RS BILL # SB 23 GA Introduced BR # 370 DOC ID #: xxxx

BILL SPONSOR(S): Sen. D. Yates AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to theft of mail matter.

SUMMARY OF LEGISLATION: Amend KRS 514.140 to include common carriers and delivery services in protection against theft of mail matter.

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 legislation amends KRS 514.140 Theft of Mail Matter to clarify that it includes mail matter from a common carrier or delivery service.

Theft of Mail Matter is a Class D felony, with offenders under this statute incarcerated in a county jail as a state inmate.

The Department of Corrections currently has 133 offenders with convictions under KRS 514.140:

- Twenty-six (26) are inmates (*note: offenders may be incarcerated on other offenses*).
- One hundred seven (107) are offenders under community supervision.

For FY2019-2021 AOC reports 168 convictions of Theft of Mail Matter. (*Includes sixty-eight (68) inchoate offenses*).

While the current version of KRS 514.140 only references mail delivered by USPS, and does not explicitly include boxes delivered by Amazon or other commercial carriers, the Kentucky Supreme Court ruled in 2021 that the statute applies to all packages and applies regardless of whether the package was stolen from the mailbox or the recipient's porch. The legislation would clarify that it applies to theft of packages delivered by entities such as FedEx or Amazon.

Theft of packages could also be prosecuted as Theft by unlawful taking under KRS 514.030. However, application of a felony vs a misdemeanor theft charge would be dependent on the value of the package. Under the current legislation, theft of mail matter would be a Class D felony and does not take into account a monetary value.

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)

As a Class D offender, offenders incarcerated under KRS 514.140 would serve their sentence in a county jail at a cost to the Department of \$35.43 per day, with \$31.34 daily reimbursement to the local detention center.

Under the legislation, there could be some offenses under Theft of Mail Matter as Class D felonies subject to state costs which otherwise, by the value of the item, may fall into the misdemeanor theft range, subject to county costs.

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

2/2/2022

Date