

# CORRECTIONS IMPACT STATEMENT

SESSION: 22RS BILL # SB 296 Introduced BR # 1941 DOC ID #: xxxx

BILL SPONSOR(S): Sen. J. Adams AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to community parenting alternative sentencing plans.

**SUMMARY OF LEGISLATION:** Amend KRS 533.010 to create a parenting-based alternative sentence; detail requirements for parenting-based alternative sentencing plan.

**AMENDMENT:** .

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This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact  Have no Corrections impact

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| <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) |  |

Otherwise impacts incarceration (Explain) *Alternative sentencing proposal for community supervision.*

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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 establishes parenting based alternative sentences under KRS 533.010. The fiscal impact to corrections under the legislation is indeterminable.

Nonviolent defendants who are primary caregivers for a dependent child are eligible. Those with prior offenses against the child are prohibited.

Defendants shall, as ordered by the Court: attend substance abuse or mental health treatment; attend parenting, anger management, or other types of classes; attend domestic violence or other counseling; utilize vocational or educational services; maintain employment or stable housing; and comply with Cabinet for Health and Family Services case management.

These are services and referrals that would be utilized by the Department of Corrections' Division of Probation & Parole and Division of Reentry in the supervision of offenders on community supervision.

Kentucky has been noted to have high numbers of children with incarcerated parents. Kentucky currently has over 2,000 incarcerated females in prison. Sixty-four percent (64%) report having children. Fifty-six percent (56%) of incarcerated males report being parents.

It is unknown how many individuals would be eligible for parenting based alternative sentences or if a proposed parenting based alternative sentence would result in a sentence of community supervision for someone who otherwise would have been sentenced to incarceration.

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**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 possible to estimate the potential impact the legislation may have local corrections.

Use of parenting based alternative sentences may result in fewer sentences of incarceration or probation violations. While it is not possible to estimate to what extent, this could lower the number of Class D or Community Custody Class C inmates housed in county detention facilities.

**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:**

  
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Chief of Staff, Kentucky Department of Corrections

**3/18/2022**

Date