

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # HB 109 Introduced BR # 1013 DOC ID #: xxxx

BILL SPONSOR(S): Rep. M. Lockett, J. Decker, M. Imes AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to theft of services.

SUMMARY OF LEGISLATION: Amend KRS 514.060, relating to theft of services, to include the conduct of a person holding the property of another under a rental agreement longer than the period agreed upon and depriving the owner of its use for future rentals.

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 \$105.23. 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 \$40.11 per day, which includes \$35.34 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 would likely have a minimal to moderate impact on incarceration costs. It is unknown how many convictions would be incurred under the legislation. The length of sentences incurred would be dependent on the values associated with the offense.

The legislation amends KRS 514.060 Theft of Services by adding a circumstance of theft of services if having control of personal property under a written rental agreement (other than rent-to-own), the person holds the property after expiration of the rental period without consent of the property owner, thus depriving the owner of his/her property which would be used in further rentals.

KRS 514.060 Theft of Services ranges from a Class B misdemeanor to a Class C felony, depending on the value of services:

- ◆ Class B misdemeanor is less than \$500.
- ◆ Class A misdemeanor is \$500-\$1,000.
- ◆ Class D felony is \$1,000-\$10,000 or three (3) or more Class A misdemeanors within five (5) years.
- ◆ Class C felony is \$10,000 or more.

While individuals incarcerated for a Class D felony for Theft of Services would be housed at a county detention facility, Class C offenders may be eligible to serve their sentences at the county detention facility if qualifying for community custody, based on length of sentence remaining and custody classification. If not community custody eligible, offenders would be housed at a state prison at a cost of \$105.23 per day.

For comparison, currently the Department of Corrections has fourteen (14) inmates and sixty-nine (69) community supervision offenders for the offense of Theft of Services.

Cost to Incarcerate

A Class C Felony sentence is 5 to 10 years.

1 Class C Felon costs KY \$192,047.24 to \$384,094.49

10 Class C Felons cost KY \$1,920,472.45 to \$3,840,944.90

100 Class C Felons cost KY \$19,204,724.51 to \$38,409,449.03

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost KY \$146,389.42 to \$731,947.13

1 Class D Felon costs KY \$14,638.94 to \$73,194.71

100 Class D Felons cost KY \$1,463,894.26 to \$7,319,471.31

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 \$40.11 cost to incarcerate for the Department of Corrections, including \$35.34 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 revisions to the Theft of Services statute would not be expected to have a significant impact on local incarceration.

Class C Theft of Services offenders subject to incarceration may be eligible to serve their sentences at a local detention center if qualifying for community custody. These inmates, in addition to Class D level offenders, would serve their sentence in a county detention center at an average cost to incarcerate of \$40.11 per day, with \$35.34 daily reimbursement to the detention center from state funds.

Misdemeanors are subject to the jurisdiction and cost of the county.

Cost to Incarcerate

A Class A misdemeanor is 90 days to 1 year in jail.

1 Class A misdemeanor: \$3,609.60 to \$14,638.94

10 Class A misdemeanants: \$36,096.02 to \$146,389.42

100 Class A misdemeanants: \$360,960.22 to \$1,463,894.26

A Class B misdemeanor is up to 90 days in jail.

1 Class B misdemeanor: up to \$3,609.60

10 Class B misdemeanants: up to \$36,096.02

100 Class B misdemeanants: up to \$360,960.22

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

1/19/2023

Date