

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # HB 179 Introduced BR # 349 DOC ID #: xxxx

BILL SPONSOR(S): Rep. J Tipton AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to the abolition of the death penalty.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 532 to abolish the death penalty and replace it with life imprisonment without parole for inmates presently sentenced to death; amend KRS 532.030, relating to authorized dispositions for felony offenses, to remove the death penalty; amend KRS 533.010, relating to probation, to prohibit probation for a person sentenced to life without parole or life without parole for 25 years; amend KRS 640.010 to define terms; amend KRS 640.040, relating to penalties for juveniles convicted of felony offenses, to prohibit life imprisonment without benefit of parole for a capital offense; amend KRS 422.285, 532.050, and 532.100 to conform; repeal KRS 431.213, 431.2135, 431.218, 431.220, 431.223, 431.224, 431.240, 431.250, 431.260, 431.270, 507A.060, 532.025, 532.075, 532.130, 532.135, 532.140, 532.300, 532.305, and 532.309.

AMENDMENT^{text}

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 checked="" 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 \$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)

Abolishing the death penalty would result in policy changes for the Department of Corrections in regards to operations and administration of dedicated units. These changes would contribute to eventual minimal cost savings for DOC.

Under this legislation, there would no longer be a need for a dedicated unit or staff for death row. In addition, the current structure which accommodates executions at Kentucky State Penitentiary could be repurposed. However, the cost savings for this would ultimately be minimal. Other costs associated with executions would be eliminated. These include lethal injection drugs, handling of the body (ambulance, coroner, crematorium, etc.), the execution team (training and overtime pay), and added security for the public, press, etc.

There are currently twenty-six (26) inmates, 25 of which are males, on death row in Kentucky. Abolishing the death penalty would cause these inmates to serve life without parole.

Inmates currently under the death penalty have served an average of thirty and a half (30.5) years from the start of their incarceration and inmates who have been executed spent an average of twelve (12) years from incarceration until death.

Male inmates with a sentence of death are housed at the Kentucky State Penitentiary (KSP), which has an average annual cost to incarcerate of \$65,378.02 per inmate. Female inmates with a sentence of death are housed at the Kentucky Correctional Institution for Women at an annual cost of \$38,887.47.

For comparison to inmates serving a life sentence: The average annual cost to incarcerate offenders with a life sentence is \$38,409.45 per year. A reduction of \$25,968.57 per year per offender, for a total \$649,214.25 per year for 25 males currently on death row.

For inmates who have died while incarcerated serving on life without the possibility of parole, the average time served prior to death was seventeen point nine (17.9) years.

Given that the state has conducted only three (3) executions since capital punishment was reinstated in the US in 1976, holding these offenders for life would not significantly impact incarceration.

Mental health services would help offenders sentenced to death in order to process change in life trajectory as a result of abolishment of death penalty.

Policy and Accreditation Branch would modify several policies both at the agency and institutional levels to remove reference to the death penalty.

Victim service branch of DOC would need to be available to victims of offenders impacted.

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)

Costs for the use of law enforcement from local and state governments would be eliminated as well as costs the state bears for legal appeals available to death row inmates.

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

2/20/2023
Date