

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # HB 3 GA BR # 186 DOC ID #: xxxx

BILL SPONSOR(S): Rep. K. Bratcher, J. Bauman, K. Fleming, S. Rudy, S. Witten AMENDMENT SPONSOR(S):
Rep Moser

TITLE: AN ACT relating to juvenile justice and making an appropriation therefor.

SUMMARY OF LEGISLATION: Amend KRS 610.030 to require a report to the court of truancy cases when there is no action implemented by the response team within 90 days; require a court-designated worker to make a finding if diversion is failed due to lack of parental cooperation; allow a court to refer cases back to the court-designated worker and order parental cooperation; amend KRS 610.990 to establish penalty; amend KRS 610.265 to require children charged with serious felony offenses to be detained pending a detention hearing and to be evaluated for treatment; amend KRS 610.340 to provide that confidentiality does not apply to cases in which a child has admitted to or been adjudicated for a violent felony offense for five years; direct renovations to the Jefferson County Youth Detention Center; APPROPRIATION.

AMENDMENT: HCS 1: Retain original provisions, except require court review of FAIR team inaction to be on the record; mandate that an intentional violation of a court order for parental cooperation is a violation of KRS 530.070(1)(c); require children mandatorily detained to be examined for cognitive behavioral issues and substance use disorder and require the Justice and Public Safety Cabinet to contract with a qualified mental health professional to provide any recommended treatment; remove limit on funding source; change appropriation amount from \$8,900,000 to \$8,950,700; APPROPRIATION.

HCS 2: Retain original provisions, except require court review of FAIR team inaction to be on the record; mandate that an intentional violation of a court order for parental cooperation is a violation of KRS 530.070(1)(c); require children mandatorily detained to be examined to determine if the child could benefit from cognitive behavioral therapy, other evidence-based behavioral health programs, or substance use disorder treatment; require the Justice and Public Safety Cabinet to contract with a qualified mental health professional and a behavioral health services organization to provide any recommended treatment; provide that restorative practices may be utilized for children who have been found guilty of a crime; provide that communications between the child and provider are privileged; provide that the mandatory detention provision shall not apply to children ten and younger; require records to be made public for three years for children who have admitted to or been adjudicated for a crime under KRS 532.200 and allow automatic sealing of records if there are no additional public offenses within that period; define "admission"; remove limit on funding source; change appropriation amount from \$8,900,000 to \$17,100,000, if deeded to Commonwealth prior to July 1, 2023; provide that renovated center shall be owned by the Commonwealth; mandate that the Cabinet for Health and Family Services shall provide youth in detention with Medicaid benefits; add appropriation for increased transportation costs to the Department of Juvenile Justice; add appropriation for additional staffing needs at juvenile detention centers; add appropriation for renovation of Jefferson Regional Youth Detention Center at Lyndon; APPROPRIATION.

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) . | |

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)

There would be no impact to the Department of Corrections.

It should be noted that this bill is anticipated to have significant impact to the Department of Juvenile Justice. Mandatory detention of youth charged with the offenses specified could bring current juvenile detention centers to or above capacity. When combined with staffing shortages, this could impact the delivery of services and the security of youth, staff, and facilities.

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)

There would be no impact to the Department of Corrections.

PROJECTED IMPACT FROM AMENDMENTS:

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

HCS 1 mandates that intentional violation of a court order for parental cooperation is Unlawful transaction with minor in the third degree, which is a Class A misdemeanor. It is expected there would be a minimal number of convictions under this committee substitute. Misdemeanors are subject to the jurisdiction and cost of the county.

There is no additional impact from HCS 2.

**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:  **3/9/2023**
Chief of Staff, Kentucky Department of Corrections Date