

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # HB 302 SCS 1 BR # 1237 DOC ID #: xxxx

BILL SPONSOR(S): Rep. J. Decker & J. Branscum AMENDMENT SPONSOR(S): D. Fister, R. Roberts, J. Tipton .

TITLE: AN ACT relating to elections and declaring an emergency.

SUMMARY OF LEGISLATION: Amend KRS 15.243 to require the Attorney General to select six counties at random and six counties with the highest rate of irregularities for his or her independent inquiry; require the Attorney General to promulgate administrative regulations to establish a uniform procedure for independent inquiries; amend KRS 117.066 to require that petitions for the consolidation of precincts include parking accommodations for the proposed voting location; amend KRS 117.235 to prohibit electioneering during any of the days that in-person absentee voting is conducted or during training for election officers; amend KRS 117.265 to prohibit any candidate who was defeated in a primary from running for the same office during the regular election; amend KRS 117.995 to prescribe criminal penalties for people who have previously been convicted of a felony who then attempt to register to vote; amend KRS 118.105 to remove withdrawal, disqualification, or severe disabling condition as reasons to fill a vacancy in nomination of candidacy; amend KRS 118.125 to conform; EMERGENCY.

AMENDMENT: HCS 1 : Retain original provisions except amend KRS 117.235 to prohibit electioneering within one hundred feet of the property line of a building in which voting is conducted and any designated parking areas on the day of any primary, election, or in-person absentee voting; amend KRS 117.265 to provide that a candidate who is defeated in a primary shall be eligible to run for the same office if there is a vacancy pursuant to KRS 118.105(3); amend KRS 118.105 to allow withdrawal, disqualification, or severe disabling condition as reasons to fill a vacancy in nomination of candidacy; provide the deadline by which a party must fill a vacancy in candidacy; provide that the certification of nomination for replacement candidates shall be filed not later than 4 p.m. on the date of certification; remove language to conform; amend KRS 119.165 to prescribe criminal penalties for people who have previously been convicted of a felony who then attempt to vote or vote; amend KRS 121.175 to expand allowable campaign expenditures; amend KRS 121.180 to require that state and county executive committees and caucus campaign committees make a full report to the registry on a semiannual basis if the committee has more than \$10,000 in its campaign fund account, and on an annual basis if the committee has less than \$10,000 in its campaign fund account; prohibit unexpended campaign expense funds from being donated to any charitable, nonprofit, or educational institution from which the candidate receives financial benefit; remove KRS 118.125 and 117.995 to conform; amend KRS 118.315 to conform; remove the emergency clause.

SCS 1: Retain original provisions except provide that county boards of elections may petition the Secretary of State to allow the consolidation of precincts and precinct elections officers at voting locations where voters of more than one precinct vote; require that the Secretary of State promulgate administrative regulations to establish the form for the petition; provide that the Secretary of State shall determine the approval of petitions; remove provision prohibiting electioneering within one hundred feet of the property line or parking areas of buildings in which voting is conducted; amend KRS 118.105 to remove withdrawal and disqualification to hold the office sought as reasons to fill a vacancy in a nomination.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input checked="" 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) | |
| <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)

Establishing new felony and misdemeanor offenses would impact the number of offenders potentially incarcerated and/or placed on supervision, but the impact is expected to be a minimal increase.

Offenders convicted of the new Class D felony established in this bill may be eligible for housing in a jail dependent on other convictions and prior record. Class D felons are housed in a county jail and DOC pays counties a per diem for housing those inmates.

There are zero (0) offenders in custody or on supervision for election related offenses.

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)

Establishing new misdemeanor offenses could result in additional county prisoners being housed in county jails, but the impact is expected to be a minimal increase.

Offenders convicted of the new Class D felony established in this bill may be eligible for housing in a jail dependent on other convictions and prior record. Class D felons are housed in a county jail and DOC pays counties a per diem for housing those inmates.

PROJECTED IMPACT FROM AMENDMENTS:

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

HCS 1 Committee Substitute removes the misdemeanor conviction for voting after being convicted of a felony and makes each conviction a Class D felony.

A Class D Felony sentence is 1 to 5 years – One (1) Class D Felon costs KY \$14,638.94 to \$73,194.71.

The GA version of the bill has no additional impact.

The SCS 1 has no additional impact.

**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

3/16/2023
Date