

# CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # HB 34 Introduced BR # 480 DOC ID #: xxxx

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

TITLE: AN ACT relating to local regulatory actions

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 82 to define "city," "project labor agreement," and "public construction project"; permit a city to establish a mandatory preference for awarding public construction project contracts to unions through a negotiated project labor agreement; permit cities to negotiate wages that are higher than the state or federal minimum wage as a condition of the project labor agreement; create a new section in KRS Chapter 337 to define "city," "prevailing wage," "prevailing wage rate," and "public works project"; permit a city to enact prevailing wage ordinances; amend KRS 65.016 to grant local governments the authority to adopt and enforce ordinances that require employers in their jurisdiction to provide leave to employees and set a higher minimum wage than state and federal rates; amend KRS 65.870 to remove state preemption of local firearms regulations and allow local governments to enact ordinances regulating firearms; amend KRS 237.115 to conform; amend KRS 383.210 and 383.215, relating to forcible entry and detainer, to allow a local government to set an alternative time period from the date of the service of the warrant and the date of the hearing to more than the minimum of three days; require the local government to notify the sheriff, the court of jurisdiction, and the administrative office of the courts of that action.

**AMENDMENT:** .

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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) .       |   |
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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)

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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 \$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 occurrences of the offense referenced in the legislation would be very minimal with a lower likelihood of associated incarceration. The proposed deletions of criminal penalties would have very little impact to local incarceration.

Modifications to KRS 65.870 allowing local governments, etc., to enact ordinances regulating firearms at minimum restrictiveness with state law. This is currently prohibited under current statute. Current statute language is deleted which denotes a violation by a public servant would be violation of KRS 522.020 or KRS 522.030.

- ◆ KRS 522.020 Official Misconduct 1<sup>st</sup> Degree is Class A misdemeanor.
- ◆ KRS 522.030 Official Misconduct 2<sup>nd</sup> Degree is Class B misdemeanor.

KRS 237.115 prohibiting or limiting carrying of concealed deadly weapons is similarly amended, deleting language that a prohibition is not a violation of KRS 65.870.

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

DOC currently has eleven (11) individuals on supervision for Official Misconduct 1<sup>st</sup> Degree and one (1) individual on supervision for Official Misconduct 2<sup>nd</sup> Degree. It does not appear that any of the offenses involve circumstances similar to those cited in the legislation.

AOC records for FY 22 reflect twenty-six (26) convictions for Official Misconduct 1<sup>st</sup> Degree and four (4) convictions for Official Misconduct 2<sup>nd</sup> Degree. It is not possible to know if any would be for similar circumstances as outlined in the legislation.

Cost to Incarcerate

A Class A misdemeanor is 90 days to 1 year in jail.	10 Class A misdemeanants: \$36,096.02 to \$146,389.42
1 Class A misdemeanor: \$3,609.60 to \$14,638.94	100 Class A misdemeanants: \$360,960.22 to \$1,463,894.26
A Class B misdemeanor is up to 90 days in jail.	10 Class B misdemeanants: up to \$36,096.02
1 Class B misdemeanor: up to \$3,609.60	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

**2/1/2023**

Date