

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # HB 388 Introduced BR # 1179 DOC ID #: xxxx

BILL SPONSOR(S): Rep. Gordon AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to homicide.

SUMMARY OF LEGISLATION: Amend KRS 507.020 to allow individuals who administer, deliver, distribute, or sell controlled substances that result in death to be charged with murder.

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 checked="" type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input checked="" 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)

Changing the definitions of 507.020 would result in an increased of individuals convicted of this offense and increase the cost of incarceration.

While there is no way to predict the number of new convictions this legislation would generate. Depending on how many offenders are subject to the increased penalties under the legislation, the increased incarceration costs could fall in the moderate to significant range.

There are currently 42 inmates in custody and 65 offenders on supervision for the similarly related offense of Reckless Homicide - Class D Felony sentence is 1 to 5 years. One (1) Class D Felon costs KY \$14,638.94 to \$73,194.71.

This legislation proposes for the offense to be a capitol offense - Class A Felony sentence is 20 years or more. One (1) Class A Felon costs KY a minimum of \$768,188.98. The longer incarceration terms of Class A felonies are associated with a moderate to significant increased incarceration costs.

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)

Class D felons are housed in a county jail and DOC pays counties a per diem for housing those inmates. Offenders who otherwise may have been Class D offenders would now be class A offenders required to be housed in a prison.

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

3/2/2023

Date