

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # SB 167 Introduced BR # 263 DOC ID #: xxxx

BILL SPONSOR(S): Sen. A. Southworth AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to home incarceration.

SUMMARY OF LEGISLATION: Amend KRS 532.260 to create new requirements for eligibility to serve the remainder of a sentence under home incarceration or conditional release; require the Department of Corrections to immediately transfer a person if he or she are being held on a detainer; allow a victim or concerned citizen to appeal the decision that a person may serve the remainder of his or her sentence under home incarceration or conditional release.

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 type="checkbox"/> Increases penalty for existing crime(s) | <input checked="" type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input checked="" type="checkbox"/> Decreases incarceration |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services |
| <input checked="" 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)

Expansion of Home Incarceration would have significant impact to the department. This bill would increase the numbers of HIP offenders and decrease the number of state offenders in the county jails and prisons.

The cost savings would be reallocated from Cost to Incarcerate, approximately \$40.11, to Cost to Supervise on Electronic Monitoring, \$6.61 day. Resulting in a cost savings of \$33.50 per offender/per day. Length of time on Home Incarceration extended from 9 months (270 days) to possibly 48 months (1,440 days) as determined by use of the Community/Minimum Custody would be 1,170 days on supervision rather than incarcerated.

There would be a total of 5,284 current inmates classified to Community/Minimum Custody who have not been returned to custody for HIP/MRS violation. For comparison, there are currently only 185 inmates serving on Home Incarceration.

Although it is unlikely that all eligible offenders would be released the possible impact is significant :

5,284 offenders eligible x 1,170 days extended x \$33.50 cost reduction = \$207,106,380.

Increase positions for HIP designated P&P officers to accommodate the increase in offenders on supervision but to also fulfill additional duties of transportation and monitoring of detainees and pending charges. Additional Reentry staff and treatment staff to accommodate the increased need of community resources for HIP population. Additional staff and change in staff duties to process appeals from concerned citizens.

Removing the felony class would open HIP eligibility to a larger portion of the incarcerated population, thus likely increasing the number of offenders reviewed for treatment opportunities and the number of offenders referred to SUD treatment (IOP or RSC). There would be an increased need for contract beds for Reentry Service Centers. Sex offenders would be eligible for HIP and thus the two contracted Reentry Service Centers who can receive both HIP offenders and sex offenders would likely see an increased enrollment.

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)

While this may reduce the state inmate population of the county jail, it will also reduce the amount of payment made to the county.

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:  **2/24/2023**
Chief of Staff, Kentucky Department of Corrections Date