

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # SB 45 Introduced BR # 386 DOC ID #: xxxx

BILL SPONSOR(S): Sen. S. Meredith, G. Neal, J. Adams AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to the abolition of the death penalty.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 532 to abolish the death penalty and replace it with life imprisonment without parole for inmates presently sentenced to death; amend KRS 532.030 to remove the death penalty; amend KRS 640.040 to prohibit life imprisonment without benefit of parole for a juvenile offender convicted of a capital offense; amend KRS 422.285, 532.050, 532.100, and 533.010 to conform; repeal KRS 431.213, 431.2135, 431.218, 431.220, 431.223, 431.224, 431.240, 431.250, 431.260, 431.270, 507A.060, 532.025, 532.075, 532.130, 532.135, 532.140, 532.300, 532.305, and 532.309.

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 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)

The proposed legislation would abolish capital punishment. Under this legislation, there would no longer be a need for a dedicated unit and officer for death row. In addition, the current structure which accommodates executions at Kentucky State Penitentiary could be repurposed. Other costs associated with executions would be eliminated. These include lethal injection drugs, handling of the body (ambulance, coroner, crematorium, etc.), the execution team (training and overtime pay), and added security for the public, press, etc. Costs for the use of law enforcement from local and state governments would be eliminated as well as costs the state bears for legal appeals available to death row inmates. Given that the state has conducted only three executions since capital punishment was reinstated in the United States in 1976, a shift to a life sentence for offenders who are currently under a sentence of death is not likely to substantially impact the length of time individuals with a capital conviction are incarcerated.

There are currently twenty-six (26) inmates on death row in Kentucky. Abolishing the death penalty would cause these inmates to serve life without parole.

The legislation also prohibits life imprisonment without the benefit of parole for youthful offenders convicted of a capital offense. Current statute prohibits the death penalty for youthful offenders under the age of sixteen (16). Also added under KRS 640.010 is a definition for serious intellectual disability, a factor for the court's consideration in transferring a youthful offender to Circuit Court.

Inmates currently under the death penalty:

- ◆ Inmates under a sentence of death have served an average of thirty and a half (30.5) years from the start of their incarceration.
 - Inmates who have been executed spent an average of twelve (12) years from incarceration until death.

- ◆ Male inmates with a sentence of death are housed at the Kentucky State Penitentiary, which has an average annual cost to incarcerate of \$65,378.02 per inmate. Female inmates with a sentence of death are housed at the Kentucky Correctional Institution for Women at an annual cost of \$38,887.47.

For comparison to inmates serving a life sentence:

- ◆ For the 708 inmates currently serving a sentence of life, the current average length of time served is twenty-one point four (21.4) years (reflective of when the statute was changed).
 - For inmates who have died while incarcerated serving on a life sentence, the average time served prior to death was twenty-five point eight (25.8) years.
- ◆ For the 123 inmates currently serving a sentence of life without parole, the current average length of time served is twelve (12) years (reflective of when the statute was changed).
 - For inmates who have died while incarcerated serving on life without the possibility of parole, the average time served prior to death was seventeen point nine (17.9) years.
- ◆ The average annual cost to incarcerate offenders with a life sentence is \$38,409.45 per year.

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)

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:  _____ **1/19/2023**
 Chief of Staff, Kentucky Department of Corrections Date