

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # SB 74 Introduced BR # 251 DOC ID #: xxxx

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

TITLE: AN ACT relating to parole for violent offenders.

SUMMARY OF LEGISLATION: Amend KRS 439.3401 to change requirements for parole or credit on sentences for violent offenders; create a new section of KRS Chapter 197 to establish a specialized treatment program for violent offenders.

AMENDMENT^{text}

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 checked="" type="checkbox"/> Increases incarceration | <input checked="" type="checkbox"/> Decreases incarceration |
| <input type="checkbox"/> Reduces inmate/offender services | <input checked="" type="checkbox"/> Increases inmate/offender services |
| <input checked="" 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)

This would have a significant fiscal impact on the Department of Corrections.

There are approximately 1,700 inmates in custody that are serving on a violent crime that did not result in a death. Reducing parole eligibility from 85% to 50% could reduce length of stay by approximately 3,400,000 days, at \$105.23 per day, for a reduction of \$357,782,000.

However, the denial of this sentence reduction due to failure to complete a specialized treatment program would offset the reduction and could result in length of stay increase from 85% to 100% which would be approximately increase of 1,450,000 days, at \$105.23 per day, for an increase of \$152,583,500.

A net impact on incarceration of \$205,198,500 cost reduction.

The establishment of a new specialized treatment program for violent offenders would be already included in the cost to incarcerate.

The establishment of separate housing for program participants. Which would include additional costs for site additions or modifications to house the violent offender program participants separately, increase in facility staff and increase in population management to transport/relocate participants. We can not estimate the cost for separate facility at this time.

Extensive modifications to the Offender Management System will be needed for program tracking, evaluation, sentence calculation, credits, and data collection.

Offender information Services will need 5 additional staff for sentence calculation and auditing for a cost of \$237,776.13

Modifications to the quarterly course catalog. Creation and implementation of a quality assurance tool to evaluate the specialized programming for violent offenders.

A specific program to house and treat violent offenders in a regimented curriculum would require hiring and training of additional mental health and facility staff, source books and educational materials for the designated program, displacement of current offenders in order to designate a treatment platform and place to reside. A new program would have to be vetted by the DOC as evidence based.

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)

Only 76 of the approximately 1,700 offenders that will be impacted are currently housed in a county jail.

There is a potential impact to the duties of the Division of Probation & Parole for the possible role in Outpatient Services.

Changes to the number of violent offenders that see the parole board potentially reducing the number of violent offenders on supervision.

Changes to parole and/or release calculation will impact the existing notification process concerning victims of violent crimes.

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:  _____ **2/23/2023**
Chief of Staff, Kentucky Department of Corrections Date