

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # SB 9 GA BR # 161 DOC ID #: xxxx

BILL SPONSOR(S): Sen. R. Mills AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to hazing.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 508 to define "hazing," "student," and "organization"; establish a Class D felony of hazing in the first degree; establish a Class A misdemeanor of hazing in the second degree; amend KRS 164.7874 to remove eligibility for a KEES scholarship if convicted of hazing; provide that the Act may be referred to as Lofton's Law.

AMENDMENT: Retain original provisions; establish that any sentence imposed for hazing shall run concurrently with any sentence imposed under KRS 508.060 or 508.070 arising from the same act or occurrence; make technical corrections.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input checked="" type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input 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)

There would be minimal impact to incarceration from this legislation. While it is unknown how many convictions for Hazing would be incurred, convictions for this offense would likely be limited in number. Individuals convicted of this type of offense are not likely to have a substantial criminal history and may be afforded the opportunity for community supervision or other alternative sentences.

The legislation establishes a new offense of Hazing under KRS Chapter 508. The definition established for Hazing includes several activities, such as consuming alcoholic beverages which subjects a minor or student to a risk of mental harm or physical injury. The hazing activity must endanger the mental or physical health of a minor or student for purposes surrounding membership or affiliation with an organization.

- ◆ Hazing 1st Degree is a Class D felony stemming from intentional or wanton hazing that results in serious physical injury or death.
- ◆ Hazing 2nd Degree is a Class A misdemeanor stemming from reckless participation in hazing.

The legislation specifies factors which may or may not be a defense for each of these offenses.

Under KRS 164.7874 those convicted of this offense, both felony and misdemeanor convictions, would be ineligible for KEES scholarship awards.

Cost to Incarcerate

A Class D Felony sentence is 1 to 5 years.

1 Class D Felon costs KY \$14,638.94 to \$73,194.71

10 Class D Felons cost KY \$146,389.42 to \$731,947.13

100 Class D Felons cost KY \$1,463,894.26 to \$7,319,471.31

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 legislation establishes a Class D felony offense and a Class A misdemeanor offense of hazing. It is expected there would be a minimal number of convictions for the offense of hazing.

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

Felony offenders convicted of Hazing would be housed in a county jail as a state inmate at an estimated cost of \$40.11 per day, with \$35.34 daily reimbursement from the Department to the local detention center. This provides additional revenue for jails. However, as some jails may be overcapacity, any additional incarceration has an impact on the occupancy of jail beds.

Cost to Incarcerate

A Class A misdemeanor is 90 days to 1 year in jail.
1 Class A misdemeanor: \$3,609.60 to \$14,638.94

10 Class A misdemeanants: \$36,096.02 to \$146,389.42
100 Class A misdemeanants: \$360,960.22 to \$1,463,894.26

PROJECTED IMPACT FROM AMENDMENTS:

NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

There would be no additional impact from the amended SCS 1

**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:  _____ **3/2/2023**
Chief of Staff, Kentucky Department of Corrections Date