

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 113 Introduced. BR #: 865

BILL SPONSOR(S): Rep. S. Baker

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to fleeing or evading police.

SUMMARY OF LEGISLATION: Amend KRS 520.095 to enhance fleeing or evading police in the first degree to a Class C felony; provide that the defendant shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least 50 percent of the sentence imposed; amend KRS 520.100 to enhance fleeing or evading police in the second degree to a Class D felony; provide that the defendant shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least 50 percent of the sentence imposed.

AMENDMENT:

This bill amendment committee substitute is expected to:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Have the following Corrections impact | <input type="checkbox"/> 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 the offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain): | |

STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$116.93. 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 jail is \$44.97 per day, which includes \$35.34 per diem, medical costs, and central office administrative costs (substance abuse treatment not included).*

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

The legislation would likely have a significant impact on incarceration costs.

There are currently 1,579 inmates serving on offenses under KRS 520.095.

This bill enhances fleeing or evading police in the first degree to a Class C felony and fleeing or evading police in the second degree to a Class D felony. Many offenders serving on Fleeing/Evading 1st Degree are currently housed in jail under the Class D program. If changed to a Class C, it is possible they will no longer qualify for jail housing under KRS 532.100 and will require a prison bed.

Class C felons may still be able to serve their time in a county jail, but only if community custody.

A Class C Felony sentence is 5 to 10 years – One (1) Class C Felon costs KY \$213,397.25 to \$426,794.50.

This bill requires an offender not be released until he or she has served at least 50 percent of the sentence imposed. The average sentence length served would increase from (20%) 318 days to (50%) 797 days - an additional 479 days per offender.

New sentence calculations formulas would need to be added to the Kentucky Offender Management System (KOMS). The most recent modification to KOMS regarding the calculation of violent offender cost \$92,000.00. At minimum the cost would be similar.

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until the disposition of the case. The estimated impact will be based on the \$44.97 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 would likely have a minimal impact to incarceration costs at the local level.

The change increasing fleeing or evading 2nd from a Class A misdemeanor to a Class D felony means those inmates would now become the responsibility of the state, however they would still be required to serve out their sentence in a jail.

Class D felons are housed in a county jail and DOC pays counties a per diem for housing those inmates.

A Class D Felony sentence is 1 to 5 years – One (1) Class D Felon costs KY \$16,414.05 to \$82,070.25.

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, lengthen the term of incarceration, or impose new obligations on state or local governments.

APPROVED BY:  _____ **1/23/2024**
Chief of Staff, Kentucky Department of Corrections Date