

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 182 Introduced. BR #: 18

BILL SPONSOR(S): Rep. J. Decker, N. Wilson, K. King, M. Lockett, K. Moser

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to violent offenders.

SUMMARY OF LEGISLATION: Amend KRS 439.3401 to amend the definition of "violent offender" to include the attempted commission of any offense listed, a felony involving the death of the victim or serious physical injury to a victim, burglary in the first degree as described in KRS 511.020 if a person other than a participant in the crime was present in the building during the commission of the offense, burglary in the second degree as described in KRS 511.030 if a person other than participant in the crime was present in the dwelling during the commission of the offense, robbery in the second degree as described in KRS 515.030, arson in the first degree, arson in the second degree, and strangulation in the first degree; provide that a violent offender shall serve at least 85 percent of the sentence imposed before probation, shock probation, parole, conditional discharge, or other form of early release is permitted; provide that a violent offender shall only receive credit on their sentence for time spent in custody prior to the commencement of the sentence; amend KRS 525.045 to conform.

AMENDMENT:

This bill amendment committee substitute is expected to:

Have the following Corrections impact

- Creates new crime(s)
- Increases penalty for existing crime(s)
- Increases incarceration
- Reduces inmate/offender services
- Increases staff time or positions
- Changes elements of the offense for existing crime(s)
- Otherwise impacts incarceration (Explain):

Have no Corrections impact.

- Repeals existing crime(s)
- Decreases penalty for existing crime(s)
- Decreases incarceration.
- Increases inmate/offender services.
- Reduces staff time or positions.

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 increase in operational costs. The necessary appropriations associated with the costs estimated in this corrections impact statement require a continuation of current service funding for adult correctional institutions.

Changing the definition of violent crime by removing "Class B" in Section 1 would have a significant impact. Assault 2nd, Reckless homicide, Manslaughter 2nd and Fetal homicide 3rd and 4th will be considered violent offenses. This would subject these offenders to longer sentences and lengthen the overall length of stay due to the removal of possible early release. Currently, there are 50 inmates in custody serving on a violent class C or D felony with a 20% parole computation that would be considered 85% under this legislation. Likewise, there are 14 offenders on supervision meeting the same criteria that would not be on supervision under this legislation.

There are currently 68 inmates for Arson 1st, 141 inmates for Arson 2nd, 890 inmates for Robbery 2nd, and 246 inmates for Strangulation.

For comparison, there are currently 2,057 inmates currently serving 85% sentences. The sentences range between 1,460 and 35,307 days with an average sentence length of 7,782.

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

A Class C Felony sentence is 5 to 10 years. One (1) Class C Felon costs KY \$213,397.25 to \$426,794.50.
A Class B Felony sentence is 10 to 20 years. One (1) Class B Felon costs KY \$426,794.50 to \$853,589.00
A Class A Felony sentence is 20 years or more. One (1) Class A Felon costs KY a minimum of \$853,589.00.

The bill prohibits violent offenders from earning statutory and meritorious good time. They will only be able to shorten their sentence through educational good time or program good time. If that is not obtained, they will serve longer than 85%.

New offense information will need to be added to the Kentucky Offender Management System however, this level of effort would fall under the current maintenance agreement.

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)

Expanding the definition of violent offenders and requiring violent offenders to serve 85% will likely impact the controlled intake population housed in county jails. Longer prison sentences increase the length of stay and ultimately decrease prison bed space.

Class C felons may still be able to serve their time in a county jail, but only if community custody – which is dependent on prior record and current convictions as well as, Parole Eligibility Date or Minimum Expiration Date.

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: 

Chief of Staff, Kentucky Department of Corrections

1/24/2024
Date