

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 194 HCS 1

BR #: 939

BILL SPONSOR(S): Rep. K. Moser, S. Dietz, J. Blanton, J. Bray, D. Hale, K. King, W. Lawrence, A. Neighbors, M. Pollock, P. Pratt, T. Smith, W. Thomas, K. Timoney, W. Williams

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to workplace violence against healthcare workers.

SUMMARY OF LEGISLATION: Amend KRS 508.025 to expand assault in the third degree to include causing or attempting to cause physical injury to a person employed by or under contract with a hospital if the event occurs in or on the premises of a hospital or hospital-owned outpatient facility.

AMENDMENT: HCS 1: Retain original provisions, except amend KRS 508.025 to expand assault in the third degree to include causing or attempting to cause physical injury to a person employed by or under contract with a hospital if the event occurs in or on the premises of a hospital affiliate outpatient facility.

This bill amendment committee substitute is expected to:

Have the following Corrections impact

Have no Corrections impact.

Creates new crime(s)

Repeals existing crime(s)

Increases penalty for existing crime(s)

Decreases penalty for existing crime(s)

Increases incarceration

Decreases incarceration.

Reduces inmate/offender services

Increases inmate/offender services.

Increases staff time or positions

Reduces staff time or positions.

Changes elements of the offense for existing crime(s)

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 minimal impact on operational costs by expanding the definition of existing Class D and Class C felonies. The necessary appropriations associated with the costs estimated in this corrections impact statement require a continuation of current service funding for adult correctional institutions.

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.

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.

Similar offenses of Assault 3rd (Social Services Worker) and Assault 3rd (EMS, Fire, Rescue Squad) have 17 current inmates in custody and 73 current offenders on supervision.

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 on operational costs at the local level by expanding the definition of existing Class D and Class C felonies.

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.

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.

PROJECTED IMPACT FROM AMENDMENTS: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

HCS 1: There would be no additional impact from the Committee Substitute.

**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

3/6/2024
Date