

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 254

Introduced.

BR #: 1080

BILL SPONSOR(S): Rep. D. Elliott

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to the Department of Public Advocacy.

SUMMARY OF LEGISLATION: Amend KRS 18A.115 to exclude attorneys in the Department of Public Advocacy from classified service; amend KRS 31.010 to delete references to legal representation for persons with disabilities and make technical corrections; provide that the Department of Public Advocacy is an independent agency that is administratively attached to the Justice and Public Safety Cabinet; create a new section of KRS Chapter 31 to establish an independent division of the Department of Public Advocacy, the Division of Protection and Advocacy, to provide the protection of rights for persons with disabilities; amend KRS 31.020 to provide that the compensation of attorneys employed by Department of Public Advocacy shall be set by the public advocate; amend KRS 31.030 to require the department to provide assistance and education to attorneys representing indigent persons under KRS Chapter 31; delete the requirement that the department shall submit information regarding funding to the Legislative Research Commission; amend KRS 31.211 to provide that all attorneys providing representation under KRS Chapter 31 shall forward all information that indicates payment or reimbursement for legal assistance to the public advocate; amend KRS 31.215 to prohibit any attorney providing representation under KRS Chapter 31 from accepting any compensation except unsolicited gifts of de minimis value; amend to a Class A misdemeanor; amend KRS 31.219 to provide that any attorney providing representation under KRS Chapter 31 shall file a notice of appeal unless the appeal would be frivolous.

HCS 1: Retain original provisions, except remove KRS 18A.115; amend KRS 31.020 to provide that the public advocate shall establish the salaries for all assistant public advocates and employees in leadership policy-making positions and hire and appoint assistant public advocates as needed; establish a category of employees who work in leadership policy-making positions who are appointed by the public advocate and serve at the pleasure of the public advocate; amend KRS 31.030 to remove the deadline for the Department of Public Advocacy to file the annual report; amend KRS 64.640 to provide that the Personnel Cabinet shall not prepare schedules of compensation for assistant public advocates; make technical corrections.

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)

This legislation would have a minimal reduction in incarceration by lowering a Class D felony to a Class A misdemeanor.

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)

This legislation would have a minimal reduction in incarceration at the local level by lowering a Class D felony to a Class A misdemeanor.

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

HCS 1: There would be no additional impact from HCS 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, lengthen the term of incarceration, or impose new obligations on state or local governments.

APPROVED BY: _____

Chief of Staff, Kentucky Department of Corrections

3/12/2024

Date