

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 282

Introduced.

BR #: 59

BILL SPONSOR(S): Rep. W. Williams

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to crimes and punishments.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 508, 509, 510, 520, and 525 to provide that any person convicted of an offense under those chapters, who was armed with a firearm during the commission of the offense and in furtherance of the offense, shall be subject to an enhanced penalty; amend KRS 519.055 to provide for an enhanced penalty when the person was armed with a firearm at the time of the commission of the offense; amend KRS 520.050 to provide for an enhanced penalty when the dangerous contraband is a deadly weapon; amend KRS 527.110 to provide an enhanced penalty; amend KRS 439.3401 to expand the definition of "violent offender" to include a Class B or Class C felony where the offender was armed with a firearm during the commission of the offense and in furtherance of the offense, impersonating a peace officer where the offender was armed with a firearm, promoting contraband in the first degree where the dangerous contraband is a deadly weapon, and unlawfully providing a handgun to a juvenile; provide that offenders convicted of a Class B or Class C felony where the offender was armed with a firearm during the commission of the offense and in furtherance of the offense, impersonating a peace officer where the offender was armed with a firearm, promoting contraband in the first degree where the dangerous contraband is a deadly weapon, and unlawfully providing a handgun to a juvenile shall not be released on probation or parole until he or she has served at least 85% of the sentence imposed.

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 with the enhancements of current offenses as well as changing the definition of a "violent crime". The necessary appropriations associated with the costs estimated in this corrections impact statement require a continuation of current service funding for adult correctional institutions.

Changes to the definition of violent crimes would subject these offenders to longer sentences and lengthen the overall length of stay due to the removal of possible early release.

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

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.

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 D felons who are now 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:  _____ 2/6/2024
Chief of Staff, Kentucky Department of Corrections Date