

# CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 38 Introduced.

BR #: 822

BILL SPONSOR(S): Rep. J. Tipton, D. Grossberg, N. Tate

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to the abolition of the death penalty.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 532 to abolish the death penalty and replace it with life imprisonment without parole for inmates presently sentenced to death; amend KRS 532.030, relating to authorized dispositions for felony offenses, to remove the death penalty; amend KRS 533.010, relating to probation, to prohibit probation for a person sentenced to life without parole or life without parole for 25 years; amend KRS 640.010 to define terms; amend KRS 640.040, relating to penalties for juveniles convicted of felony offenses, to prohibit life imprisonment without benefit of parole for a capital offense; amend KRS 422.285, 532.050, and 532.100 to conform; repeal KRS 431.213, 431.2135, 431.218, 431.220, 431.223, 431.224, 431.240, 431.250, 431.260, 431.270, 507A.060, 532.025, 532.075, 532.130, 532.135, 532.140, 532.300, 532.305, and 532.309.

## 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)

Abolishing the death penalty would result in minimal cost savings for DOC.

Male inmates with a sentence of death are housed at the Kentucky State Penitentiary (KSP), which has an average annual cost to incarcerate of \$74,519.25 per inmate. Female inmates with a sentence of death are housed at the Kentucky Correctional Institution for Women at an annual cost of \$46,101.63.

The policy changes for the Department of Corrections would be in regard to the operations and administration of dedicated units. Under this legislation, there would no longer be a need for a dedicated physical structure or staff for death row.

There are currently twenty-six (26) inmates, 25 of whom are males, on death row in Kentucky. Abolishing the death penalty would cause these inmates to serve life without parole. Given that the state has conducted only three (3) executions since capital punishment was reinstated in the US in 1976, holding these offenders for life would not significantly impact incarceration.

Mental health services would help offenders sentenced to death to process change in life trajectory as a result of the abolishment of the death penalty.

Policy and Accreditation Branch would modify several policies both at the agency and institutional levels to remove reference to the death penalty.

The victim service branch of DOC would need to be available to victims of offenders impacted.

Offender sentencing records would need to be modified to reflect new sentences.

**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)

Costs for the use of law enforcement from local and state governments would be eliminated as well as costs the state bears for legal appeals available to death row inmates.

**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

1/23/2024  
Date