

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 619 GA. BR #: 2114

BILL SPONSOR(S): Rep. N. Wilson, D. Frazier Gordon

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to terms of imprisonment.

SUMMARY OF LEGISLATION: Amend KRS 532.110 to allow the aggregate of consecutive indeterminate terms to exceed the longest extended term authorized by KRS 532.080 where a person convicted of a felony is convicted of or enters a guilty plea to an additional felony committed while on parole, probation, shock probation, or conditional discharge, or where the person is convicted of or enters a guilty plea to an offense committed while awaiting trial for another offense.

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 could have a moderate impact on operational costs by providing the potential to lengthen sentences beyond the current statutory maximums. The necessary appropriations associated with the costs estimated in this corrections impact statement require a continuation of current service funding for adult correctional institutions.

The maximum total sentence lengths for consecutive terms are currently set forth by Persistent Felony Offender statute (KRS 532.080): Class A or B shall be between 20 to 50 years or life. A Class C or D shall be between 10 to 20 years.

Under this bill, when an offender is convicted of a new felony while on parole, probation, shock probation, or conditional discharge, or convicted of or enters a guilty plea to an offense committed while awaiting trial for another offense the total of the consecutive terms could now exceed the maximum lengths in KRS 532.080, not to exceed 70 years.

Cost to Incarcerate each offender in prison is \$116.93 per day - An additional \$42,679.45 per year of incarceration per offender. Cost to Supervise each offender is \$4.41 per day - An additional \$1,609.65 per year of supervision per offender.

The longer sentences could result in offenders being on parole for a longer period which would create additional needs for Probation & Parole regarding officers, support staff, equipment, and leased space.

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)

Longer prison sentences increase the length of stay and ultimately decrease prison bed space which may impact the controlled intake population housed in county jails.

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

3/6/2024

Date