

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 718 Introduced. BR #: 1286

BILL SPONSOR(S): Rep. N. Kulkarni, K. Herron, B. Chester-Burton

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to pretrial release.

SUMMARY OF LEGISLATION: Amend KRS 431.066 to limit the use of money bail to certain high-risk defendants and create a preventive detention process for defendants of select risk levels and charge types; create a new section of KRS Chapter 431 to establish a preventive detention hearing process and define the limited circumstances in which money bail can be imposed; amend various statutes to conform; repeal KRS 431.021.

AMENDMENT:

This bill amendment committee substitute is expected to:

- | | |
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| <input type="checkbox"/> Have the following Corrections impact | <input checked="" type="checkbox"/> Have no Corrections impact. |
| <input type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input type="checkbox"/> Decreases incarceration. |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services. |
| <input type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions. |
| <input type="checkbox"/> Changes elements of the offense for existing crime(s) | |
| <input type="checkbox"/> 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)

This legislation would have a minimal increase in operational costs by reducing the number of possible jail credit days. Inmates, on average received approximately 200 days jail credit.

Offenders who are released pending trial will not be awarded jail credit. Therefore, those who are convicted will spend more time in custody as a state inmate.

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 could reduce the number of county inmates pending trial. This could result in initial cost savings and available bed space.

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

3/7/2024

Date