

# CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 725 Introduced. BR #: 284

BILL SPONSOR(S): Rep. J. Bauman, J. Nemes

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to crimes and punishments.

**SUMMARY OF LEGISLATION:** Create new sections of KRS Chapter 526 to establish a framework for law enforcement wiretaps compliant with federal Title III requirements (18 U.S.C. sec. 2510 et. seq.); repeal and reenact, amend, and repeal various KRS sections to conform; repeal KRS 526.060, which establishes the crime of divulging illegally obtained information; repeal KRS 526.070, which establishes exceptions to the crime of eavesdropping.

## AMENDMENT:

This  bill  amendment  committee substitute is expected to:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> <b>Have the following Corrections impact</b> | <input type="checkbox"/> <b>Have no Corrections impact.</b>      |
| <input type="checkbox"/> Creates new crime(s)                                    | <input type="checkbox"/> Repeals existing crime(s)               |
| <input checked="" 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)

The legislation would likely have a minimal impact on operational costs. The necessary appropriations associated with the costs estimated in this corrections impact statement require a continuation of current service funding for adult correctional institutions.

While the bill does provide for some exemptions for the offense of eavesdropping it also increases a previous Class A misdemeanor to a Class D felony.

Class D felons are housed in a county jail and DOC pays counties a per diem for housing those inmates. A Class D Felony sentence is 1 to 5 years. One (1) Class D Felon costs KY \$16,414.05 to \$82,070.25.

**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)

The legislation would likely have a minimal impact on operational costs at the local level.

While the bill does provide for some exemptions for the offense of eavesdropping it also increases a previous Class A misdemeanor to a Class D felony.

Class D felons are housed in a county jail and DOC pays counties a per diem for housing those inmates. A Class D Felony sentence is 1 to 5 years. One (1) Class D Felon costs KY \$16,414.05 to \$82,070.25.

**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:**  \_\_\_\_\_ **3/7/2024**  
Chief of Staff, Kentucky Department of Corrections Date