

# CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 98 Introduced. BR #: 119

BILL SPONSOR(S): Rep. DJ Johnson

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to crimes and punishments.

**SUMMARY OF LEGISLATION:** Amend KRS 506.040 to provide that any person who is 18 years of age or older who engages in a criminal conspiracy with a minor shall be subject to the same penalty provided for the offense which is the object of the conspiratorial agreement; amend KRS 527.100 to enhance the penalty of possession of handgun by a minor to a Class D felony for the first offense and a Class C felony for each subsequent offense.

## AMENDMENT:

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This  bill  amendment  committee substitute is expected to:

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|--|--|
| <input checked="" type="checkbox"/> Have the following Corrections impact      | <input type="checkbox"/> Have no Corrections impact.             |
| <input checked="" 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):            |  |

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**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 to operational costs at the state level.

There is currently 1 inmate in custody and 2 offenders on supervision for Criminal Conspiracy. There are currently 4 inmates in custody and 46 offenders on supervision for Possession of Handgun by Minor.

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.

Class C felons may still be able to serve their time in a county jail, but only if community custody.

A Class C Felony sentence is 5 to 10 years – One (1) Class C Felon costs KY \$213,397.25 to \$426,794.50

New offenses would need to be added to the Kentucky Offender Management System however, this level of effort would fall under the current maintenance agreement.

The increase of offenders on supervision could create additional needs for Probation & Parole in regards to 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)

The legislation would likely have a minimal impact to operational costs at the local level. Offenders would likely be housed in jail dependent on other convictions.

Misdemeanants are the fiscal responsibility of the county.

1 Class B misdemeanor: up to \$4,047.30

1 Class A misdemeanor: \$4,047.30 to \$16,414.05

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Class C felons may still be able to serve their time in a county jail, but only if community custody.

A Class C Felony sentence is 5 to 10 years – One (1) Class C Felon costs KY \$213,397.25 to \$426,794.50

**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:   
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Chief of Staff, Kentucky Department of Corrections

1/23/2024  
Date