

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: SB 13 Introduced. BR #: 247

BILL SPONSOR(S): Sen. W. Westerfield, D. Yates, C. Armstrong, D. Harper Angel, R. Thomas

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to crisis aversion and rights retention orders.

SUMMARY OF LEGISLATION: Establish KRS Chapter 202D and create new sections thereof relating to crisis aversion and rights retention orders; provide limitations on interpretation of the Act; define terms; allow law enforcement officers to petition a court to issue orders when a respondent presents an immediate and present danger of causing serious physical injury to themselves or others through purchasing, possessing, or receiving a firearm; establish procedures for the filing, review, hearing, service of process, termination, or renewal of the petition and orders; provide court processes and evidentiary standards; allow entry of the orders into law enforcement systems; prescribe issuance and service procedures for additional proceedings; establish procedures for the surrender, storage, transfer, and return of firearms; establish penalties for violations; allow for recognition and enforcement of foreign orders; amend KRS 431.076 to conform.

AMENDMENT:

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 type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input checked="" 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 by establishing new Class D, C, and B felonies.

The necessary appropriations associated with the costs estimated in this corrections impact statement require a continuation of current service funding for adult correctional institutions.

- 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.
- Class B felons will serve time in state prison. A Class B Felony sentence is 10 to 20 years. One (1) Class B Felon costs KY \$426,794.50 to \$853,589.00.

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.

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)

Establishing new Class A misdemeanor offenses and Class D felonies could result in additional county prisoners being housed in county jails, but the impact is expected to be minimal.

Misdemeanor offenders are subject to the jurisdiction and cost of the county. A Class A misdemeanor is 90 days to 1 year in jail. One (1) Class A misdemeanant costs \$4,047.30 to \$16,414.05

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:



Chief of Staff, Kentucky Department of Corrections

2/15/2024

Date