

# CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: SB 132 Introduced. BR #: 1175

BILL SPONSOR(S): Sen. A. Mays Bledsoe AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to wanton endangerment.

**SUMMARY OF LEGISLATION:** Amend KRS 508.060 to provide an enhanced penalty for discharging a firearm in the commission of an offense constituting wanton endangerment in the first degree; amend KRS 439.3401 to add a Class C felony violation of KRS 508.060 to the definition of the violent offender; require a violent offender who has been convicted of a Class C felony violation of KRS 508.060 to serve at least 85 percent of his or her sentence.

## AMENDMENT:

This  bill  amendment  committee substitute is expected to:

- |  |  |
|--|--|
| <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 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 moderate impact on operational costs by creating a new class C violent offense and requiring offenders to serve 85%. 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 C felons who are currently jail-eligible will no longer be eligible and in addition to longer time to serve, will have to serve in an institutional bed. A Class C Felony sentence is 5 to 10 years. One (1) Class C Felon costs KY \$213,397.25 to \$426,794.50.

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

There are currently 2,497 inmates in custody and 5,134 offenders on supervision for Wanton Endangerment 1st however it is unknown if a firearm was discharged.

**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)

Expanding the definition of violent offenders and requiring violent offenders to serve 85% will likely impact the controlled intake population housed in county jails. Longer prison sentences increase the length of stay and ultimately decrease prison 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:**  \_\_\_\_\_ **2/15/2024**  
Chief of Staff, Kentucky Department of Corrections Date