

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: SB 283 HCS 1

BR #: 2143

BILL SPONSOR(S): Sen. J. Higdon

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to correctional services.

SUMMARY OF LEGISLATION: Create a new chapter of KRS Chapter 441 to require the Department of Corrections to contract with a fiscal court of a county or local or regional correctional authority to provide correctional services to state prisoners; provide that the per diem rate agreed to shall not exceed five percent over the actual cost to provide correctional services; amend KRS 196.030 and KRS 441.025 to conform; provide that current contracts between counties to house prisoners shall remain in effect until the contract periods ends; provide that any contract between counties to house prisoners shall not exceed the actual cost to incarceration.

AMENDMENT: SCS 1/GA: Retain original provisions, except remove the requirement for the Department of Corrections to assign a classification officer to each jail or regional jail that the department enters into a contract with; remove the requirement for a jail or regional jail to perform random drug screenings; make technical corrections.

HCS 1: Retain original provisions, except amend KRS 441.025 to provide that contracts between counties for the incarceration and care of prisoners shall be for the lesser of a per diem rate that does not exceed an increase of 10 percent from the prior year per diem rate or the actual cost of incarceration and care.

This bill amendment committee substitute is expected to:

Have the following Corrections impact

Have no Corrections impact.

Creates new crime(s)

Repeals existing crime(s)

Increases penalty for existing crime(s)

Decreases penalty for existing crime(s)

Increases incarceration

Decreases incarceration.

Reduces inmate/offender services

Increases inmate/offender services.

Increases staff time or positions

Reduces staff time or positions.

Changes elements of the offense for existing crime(s)

Otherwise impacts incarceration (Explain): **Requires contracts for housing state prisoners.**

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 significant impact on the operational costs due to additional staff and likely increase in per diem. The necessary appropriations associated with the costs estimated in this corrections impact statement require a continuation of current service funding for adult correctional institutions.

This legislation requires additional department staff costing an estimated \$7,000,000 annually; however, no appropriation is provided.

Section 1(4)(b) requires classification staff to be assigned to each jail. The fiscal impact of the additional classification staff would be \$6,804,394.47.

Additional staff for overseeing newly created contracts would result in a fiscal impact of \$185,915.44.

There would be an additional cost associated with maintenance medications payment under this bill however, the full expense cannot be determined as those are decisions made by the individual jail medical providers.

Prison Rape Elimination Act (PREA) Standards require that locations contracted to house state inmates must be PREA compliant. The PREA branch would need to conduct PREA monitoring visits for locations contracted to house state inmates.

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 would have a significant impact at the local level due to a likely increase in per diem.

The bill requires the jail to ensure medical staff is present at the jail or regional jail each day - which is currently determined by 501 KAR 3:090 depending on the category of jail, which is based on the rated capacity. Several jails do not currently have medical staff present in the jail each day. This requirement could have a significant fiscal impact on these counties.

The bill requires the jail to ensure nonsmoking prisoners are not exposed to secondhand smoke. Many jails that currently allow e-cigarettes do not provide separate smoking areas, to do so, may require structural modifications.

The bill requires the jail to provide a physical bed for each state prisoner, to do so, may require structural modifications.

PROJECTED IMPACT FROM AMENDMENTS: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

SCS 1/GA: The committee substitute removed the requirement for classification staff to be assigned to each jail. This would reduce the additional department staff by only needing additional staff for overseeing newly created contracts which would result in a fiscal impact of \$185,915.44. The committee substitute also removes the nonsmoking requirements.

HCS 1: There is no additional impact from HCS 1

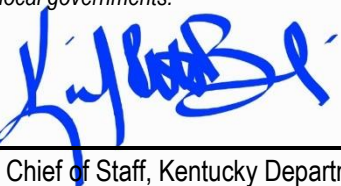
**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers 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

3/27/2024

Date