

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: SB 293

Introduced.

BR #: 2405

BILL SPONSOR(S): Sen. G. Neal

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to hate crimes.

SUMMARY OF LEGISLATION: Repeal and reenact KRS 532.031 to define "gender identity or expression"; list the actions that qualify as hate crimes; list the actual or perceived characteristics a person must have in order to qualify as a victim of a hate crime; outline penalties for a person guilty of a hate crime; set forth criteria for seeking an enhanced sentence; amend KRS 15.334 and to add characteristics of a victim to be considered when determining the cause of a crime; add requirement that officers receive training on hate crimes; create a new section of KRS Chapter 411 to permit a civil action where the victim of a hate crime suffers damages regardless of the outcome of any criminal proceeding; establish recovery for the victim; amend KRS 17.1523 to add characteristics of a victim to be considered when determining the cause of a crime; amend KRS 15.440 to require that a unit of government shall possess a written policy and procedures manual related to hate crimes in order to receive funds from the Law Enforcement Foundation Program fund; repeal KRS 49.320 relating to victim of hate crime deemed victim of criminally injurious conduct.

AMENDMENT:

This bill amendment committee substitute is expected to:

Have the following Corrections impact

- Creates new crime(s)
- Increases penalty for existing crime(s)
- Increases incarceration
- Reduces inmate/offender services
- Increases staff time or positions
- Changes elements of the offense for existing crime(s)
- Otherwise impacts incarceration (Explain):

Have no Corrections impact.

- Repeals existing crime(s)
- Decreases penalty for existing crime(s)
- Decreases incarceration.
- Increases inmate/offender services.
- Reduces staff time or positions.

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 creating a new Class D felony. 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.

The sentence ranges specified in Section 1 are outside of the standard felony class range therefore, the required changes to the Kentucky Offender Management System (KOMS) will require a paid work order - similar changes recently cost \$38,000.

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 by creating a new 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:  _____ **3/12/2024**
Chief of Staff, Kentucky Department of Corrections Date