

# CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: SB 43 Introduced. BR #: 895

BILL SPONSOR(S): Sen. D. Yates

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to motor vehicle theft.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 514 to create the crime of theft of a motor vehicle; amend KRS 515.020 to provide increased penalty in certain circumstances; amend various sections of KRS Chapter 513 to conform.

## AMENDMENT:

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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.

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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 to moderate impact on incarceration costs. However, It is unknown how many convictions would be incurred under the legislation.

The legislation amends KRS 514.100, 514.030 and 515.020 creating new Class D, Class C and Class A felonies.

Enhancement to a Class C felony provides the potential for an increase in those state inmates who previously would have been required to serve their sentence in a county jails to now be required to serve their sentence in a state prison.

Currently, for vehicle-related thefts, there are 235 inmates in custody and 536 offenders on supervision.

A Class D Felony sentence is 1 to 5 years. One (1) Class D Felon costs KY \$16,414.05 to \$82,070.25

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

A Class A Felony sentence is 20 years or more. One (1) Class A Felon costs KY a minimum of \$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.

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 on incarceration costs at the local level. However, it is unknown how many convictions would be incurred under the legislation.

The creation of a class D felony increases the population of state inmates housed in county jails pursuant to KRS 532.100.

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:  \_\_\_\_\_ 1/23/2024  
Chief of Staff, Kentucky Department of Corrections Date