

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: SB 85 Introduced. BR #: 337

BILL SPONSOR(S): Sen. A. Southworth, J. Turner, B. Storm

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to persistent felony offenders.

SUMMARY OF LEGISLATION: Amend KRS 532.080 to provide that a jury may fix an enhanced term of imprisonment when they find a defendant to be a persistent felony offender; provide that persistent felony offender in the first degree and second degree only applies to offenders who are convicted of a felony within the same KRS Chapter as the one previously committed; RETROACTIVE.

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)

This legislation may have a moderate reduction in the operational budget.

The exact number cannot be projected. It should be noted that only a portion of all convictions stems from jury trials. It is not possible to predict, how many juries would elect to impose the PFO sentence. The biggest impact will be the change in language that the prior felony conviction must be within the same KRS chapter.

For reference - there are currently 2,939 offenders serving on PFO. The language in this legislation changing from a "shall" to a "may" impose a PFO could impact the number of PFO sentences imposed.

The sentence length for current PFO offenders is 24 years in for comparison the average sentence length for the current inmate population is 14 years.

Using the prison cost to incarcerate of \$116.93/day and estimating an average reduction in sentence length by ten (10) years the cost savings could be \$426,794.50/offender.

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 could provide additional revenue opportunities for jails and lower housing costs for the state. Fewer individuals receiving PFOs under the legislation could result in more offenders being eligible to serve their sentence in the county detention center.

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

1/24/2024

Date