

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: SB 86 Introduced. BR #: 314

BILL SPONSOR(S): Sen. A. Southworth

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to parole for violent offenders.

SUMMARY OF LEGISLATION: Amend KRS 439.3401 to change requirements for parole or credit on sentences for violent offenders; create a new section of KRS Chapter 197 to establish a specialized treatment program for violent offenders.

AMENDMENT:

This bill amendment committee substitute is expected to:

Have the following Corrections impact

Have no Corrections impact.

- | | |
|---|---|
| <input type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input checked="" type="checkbox"/> Decreases penalty for existing crime(s) |
| <input checked="" type="checkbox"/> Increases incarceration | <input checked="" type="checkbox"/> Decreases incarceration. |
| <input type="checkbox"/> Reduces inmate/offender services | <input checked="" type="checkbox"/> Increases inmate/offender services. |
| <input checked="" type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions. |
| <input checked="" 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)

This legislation would have a significant increase in operation costs at the state level.

There are approximately 1,700 inmates in custody who are serving a violent crime that did not result in a death. Reducing parole eligibility from 85% to 50% could reduce the length of stay by approximately 3,400,000 days, at \$116.93 per day, for a reduction of \$397,562,000.

However, the denial of sentence reduction due to failure to complete a specialized treatment program would offset the reduction and could result in the length of stay increase from 85% to 100% which would be approximately an increase of 1,450,000 days, at \$116.93 per day, for an increase of \$169,548,500.

Estimated professional staff for the new program: 1 program director, 1 psychologist per 100 violent offenders assigned to the program, as well as 1 social service clinician per 50 offenders assigned to the program.

Potential need for additional security staff for the housing area responsible for housing the violent offender program.

The bill requires separate housing for program participants. This would include additional costs for site or modifications to house the violent offender program participants as well as an increase in population management to transport/relocate participants. The need for treatment space within facilities may include the need for new construction of classroom(s) to provide group and individual instruction to violent offenders. This would include the purchase of furniture, video equipment, whiteboards, and supporting materials.

Extensive modifications to the Offender Management System will be needed for program tracking, evaluation, sentence calculation, credits, and data collection. A similar system modification costs \$38,000 in 2023. This will also require one additional Offender Information Specialist position.

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 would have a minimal level however, this bill will likely affect the controlled intake process due to inmates serving longer sentences and reducing the amount of turnover in 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
Date

BY: 1/18/2024
Chief of Staff, Kentucky Department of Corrections