

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: SB 88 Introduced. BR #: 315

BILL SPONSOR(S): Sen. A. Southworth AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to home incarceration.

SUMMARY OF LEGISLATION: Amend KRS 532.260 to create new eligibility requirements for a person to serve the remainder of his or her sentence under home incarceration or conditional release; require the Department of Corrections to immediately transfer a person if he or she is being held on a detainer; allow a victim or concerned citizen to appeal the decision that a person may serve the remainder of his or her sentence under home incarceration or conditional release.

AMENDMENT:

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):

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)

Expansion of Home Incarceration would have a significant reduction in operation costs. A portion of the cost savings of incarceration will likely be reallocated to the cost of additional supervision and reentry services. This bill would increase the number of HIP offenders while decreasing the number of state offenders in county jails and prisons.

The cost savings would be reallocated from Cost to Incarcerate, approximately \$44.97/day, to Cost to Supervise on Electronic Monitoring, \$5.96/day. Resulting in a cost savings of \$39.01 per offender/per day.

There are currently 1,904 community custody inmates and 1,057 minimum custody inmates who have not been returned to custody for supervision violation – total of 2,961 potential offenders on supervision. For reference: there are currently only 160 inmates on Home Incarceration.

Additional Probation & Parole and Reentry staff will be needed. The increase of offenders on supervision could create additional needs for Probation & Parole in regard 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)

This bill will reduce the state inmate population in the county jail and as a result, it will reduce the amount of payment made to the county.

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: 1/18/2024

Date

Chief of Staff, Kentucky Department of Corrections