

CORRECTIONS IMPACT STATEMENT

SESSION: 25RS BILL #: HB 206

HCS 1

BR #: 59

BILL SPONSOR(S): Rep. J. Nemes, J. Bauman, J. Blanton, J. Decker, D. Elliott, P. Griffee, S. Maddox, K. Moser, T. Roberts, M. Whitaker

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to wrongful conviction compensation.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 411 to establish a cause of action for a person who was wrongfully convicted of a felony in the Commonwealth; specify amounts of damages that may be awarded to claimants; establish the wrongful conviction compensation fund.

AMENDMENT: HCS 1 - Retain original provisions, except remove the requirement that the claimant be incarcerated in the Commonwealth; require a claimant to receive compensation for any period of time that the claimant was concurrently registered as a sex offender under KRS 17.510 for a conviction for another felony crime that the claimant committed; provide that any award of attorney's fees over \$25,000 not exceed the public contract hourly rate for attorney's fees; remove compensation for any reintegrative services and health care costs; remove reimbursement for housing costs incurred by the claimant for the time period between his or her release from incarceration and entry of judgment under this Act; remove an award of other nonmonetary relief, including personal financial literacy assistance; remove the requirement for the court to issue a certificate of innocence upon finding the claimant is entitled to a judgment under this Act; make technical corrections; EFFECTIVE July 1, 2026.

This bill amendment committee substitute is expected to:

- | | |
|--|--|
| <input type="checkbox"/> Have the following Corrections impact | <input checked="" type="checkbox"/> 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 type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input type="checkbox"/> Decreases incarceration. |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services. |
| <input type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions. |
| <input 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 \$122.84. 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 \$47.43 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)

There would be no fiscal impact at the state level.

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 \$47.43 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)

There would be no fiscal impact at the state level.

PROJECTED IMPACT FROM AMENDMENTS: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

There would be no additional fiscal impact from HCS1.

**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:  **3/4/2025**
Commissioner, Kentucky Department of Corrections Date