CORRECTIONS IMPACT STATEMENT

SESSION: 25RS BILL #: HB 291 GA BR #: 1355

BILL SPONSOR(S): Rep. N. Wilson, J. Bauman, K. Holloway, N. Kulkarni, C. Lewis, J. Nemes, D. Osborne, T. Roberts

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to crimes and punishments.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 533 to define terms; require the court, upon conviction of the defendant, to consider the defendant's status as a primary caretaker of a dependent child unless the defendant is a violent offender, the victim is a child, or a statute prohibits an alternative sentence; require the court, upon a finding that the defendant is a primary caretaker of a dependent child, to consider an alternative sentence; provide that the defendant shall have the right to present an alternative sentencing plan and a family impact statement to the court; provide that in issuing an alternative sentence, the court may require the defendant to participate in programs and services that support the parent-child relationship; provide that the court may modify or revoke the alternative sentence and commit the defendant to an institution if the defendant fails to adhere to or complete the conditions of an alternative sentence; require the Administrative Office of the Court to report annually, beginning in 2026, to the Kentucky State Corrections Commission and to the Legislative Research Commission on the number, percentage, and demographics of parents and children impacted under this Act; provide that the Act may be cited as the Primary Caretaker Consideration Act.

AMENDMENT: HCS 1 - Retain original provisions, except change the term "primary caretaker of a dependent child" to "caretaker of a dependent child"; provide that a courts determination of a defendant's status as a caretaker of a dependent child shall not be admissible as evidence or be determinative in any subsequent proceeding; provide that the defendant shall not be eligible for status as a caretaker of a dependent child if currently convicted of an offense that involved the use, attempted use, or threat of physical force upon another person or an offense that wantonly endangered another person, if that person was a family member or member of an unmarried couple, or is or has been in a dating relationship with the defendant; provide for other programs or services to be required of the defendant as a condition of the alternative sentence; remove provisions relating to data collection by the Administrative Office of the Courts; amend KRS 610.340 to provide that a court determining whether to impose an alternative sentence for a defendant who is a caretaker of a dependent child has access to court records under KRS Chapter 600 to 645; provide that the Act may be cited as the Family Preservation and Accountability Act.

GA – no changes

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 $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)

The fiscal impact for operational expenses at the state level is unknown.

Alternative Sentences may be given in place of incarceration, which averages $122.84 per day.

- Placement in Reentry Service Center or Treatment Center: Cost for community bed offender is $43.96 per day.

- Home Incarceration: Cost to Supervise each offender is $4.88 per day.

The increase of offenders on supervision and in the community could create additional needs for Probation & Parole and Reentry, including result in additional 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 $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)

The fiscal impact for operational expenses at the local level is unknown.

Alternative Sentences may be given in place of incarceration which, averages $122.84 per day.

- Placement in jail for a period not to exceed twelve (12) months with or without work release, community service and other programs as required by the court. Cost to incarcerate in jail averages $47.42 per day.

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

HCS 1 – No additional impact
GA – no changes

**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: Cookie Crews **3/6/2025**

Commissioner, Kentucky Department of Corrections Date