CORRECTIONS IMPACT STATEMENT

SESSION: 25RS BILL #: HB 68 Introduced **BR #: 1065**

BILL SPONSOR(S): Rep. D. Grossberg **AMENDMENT SPONSOR(S):**

TITLE: AN ACT relating to hate crimes.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 532 to provide an enhanced term of imprisonment for any defendant convicted of certain crimes when the defendant intentionally committed the offense because of a person's actual or perceived race, color, ethnicity, national origin, religion, mental or physical disability, gender identity or expression, or sexual orientation; amend KRS 15.334 and 17.1523 to conform; create a new section of KRS Chapter 508 to create the offense of using hate symbols to intimidate; repeal KRS 49.320 and 532.031.

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 $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 legislation would have a significant increase in operational costs by enhancing the penalty of hate crimes. While there may not be many convictions, there would be a significant increase to the length of stay.

The fiscal impact for operational expenses is between $17,313.27 and $896,747.75 per offender depending on felony class. However, it's important to note that this cost increase would not be immediately felt, but rather would show after the original term of imprisonment has been served.

In 2024, approximately 2,900 offenders were convicted for offenses that fall under the statutes referenced in this bill. The FBI's Uniform Crime Report indicates that around 1% of all crimes are classified as hate crimes, leading to an estimated 29 offenders annually impacted by the proposed law.

- Increasing the term of imprisonment for class D by one (1) to five (5) years would be an additional cost of $17,313.27 to $86,566.34 per offender.
- Increasing the term of imprisonment for class C by five (5) to ten (10) years would be an additional cost of $224,186.94 to $448,373.88 per offender.
- Sentence enhancements for Class A or B felony would increase the term of imprisonment by ten (10) to twenty (20) years which would be an additional cost of $448,373.88 to $896,747.75 per offender.

Sentence enhancements for Class C and D felons would impact the inmate's eligibility to be housed in jail pursuant to KRS 532.100.

The ineligibility for any form of early release would increase incarceration costs by increasing the overall length of stay.

Population counts and offender data are sourced from the Kentucky Offender Management System (KOMS). Cost to Incarcerate can be found on corrections.ky.gov/public-information

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 legislation would possibly have a minimal increase to operational costs at the local level by the creation of a new Class A misdemeanor.

A Class A misdemeanor is 90 days to 1 year in jail.

- One (1) Class A misdemeanant: $4,269.02 to $17,313.27
- Ten (10) Class A misdemeanants: $42,690.25 to $173,132.67
- One hundred (100) Class A misdemeanants: $426,902.48to $1,731,326.74

Establishing new misdemeanor offenses could result in additional county prisoners being housed in county jails, but the impact is expected to be minimal.

Population counts and offender data are sourced from the Kentucky Offender Management System (KOMS). Cost to Incarcerate can be found on corrections.ky.gov/public-information

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: Cookie Crews **1/28/2025**

Commissioner, Kentucky Department of Corrections Date