

CORRECTIONS IMPACT STATEMENT

SESSION: 25RS BILL #: HB 98

Introduced

BR #: 397

BILL SPONSOR(S): Rep. Dietz

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to violent offenders.

SUMMARY OF LEGISLATION: Amend KRS 439.3401 to include kidnapping in the definition of "violent offender."

AMENDMENT:

This bill amendment committee substitute is expected to:

Have the following Corrections impact

- Creates new crime(s)
- Increases penalty for existing crime(s)
- Increases incarceration
- Reduces inmate/offender services
- Increases staff time or positions
- Changes elements of the offense for existing crime(s)
- Otherwise impacts incarceration (Explain):

Have no Corrections impact.

- Repeals existing crime(s)
- Decreases penalty for existing crime(s)
- Decreases incarceration.
- Increases inmate/offender services.
- Reduces staff time or positions.

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 is for operational expenses would be approximately \$1 million annually.

Annual cost to incarcerate is \$44,837.39 times approximately 24 estimate new offenders annually = \$1 million per year for an additional 11 years of incarceration = \$11.8 million. However, it's important to note that this increase in cost would not be immediate; instead, it would be experienced years down the line.

This is a result of requiring offenders serving on Kidnapping to serve 85% rather than 20% will increase the average length of stay by approximately 4,026 days (11 years).

In 2024, approximately 24 offenders received new sentences for kidnapping.

Longer prison sentences increase the length of stay and ultimately decrease prison bed space.

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)

There is no fiscal impact for operational expenses at the local level.

Expanding the definition of violent offenders that are required to serve 85% will impact the controlled intake population housed in county jails.

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:  **1/28/2025**
Commissioner, Kentucky Department of Corrections Date