

# CORRECTIONS IMPACT STATEMENT

SESSION: 25RS BILL #: SB 130

GA

BR #: 1569

BILL SPONSOR(S): Sen. S. Madon, D. Givens, L. Tichenor

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to gift cards.

**SUMMARY OF LEGISLATION:** Amend KRS 434.560 to define terms; create new section of KRS 434.550 to 434.730 to create the offense of tampering with a gift card; amend KRS 434.580 and 434.650 to prohibit theft, receipt and fraudulent use of a gift card.

**AMENDMENT:** SCS 1/GA - Retain original provisions; describe the violation of gift card tampering; define "face value" for a gift card; penalize gift card theft based on face value of card.

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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):

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**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 likely result in a minimal increase in operational costs at the state level by creating a new Class D Felony and expanding the definition of an offense with penalties ranging from Class B misdemeanor to Class C felony.

Class C felons are able to serve their time in a county jail, but only if they are in community custody. DOC pays counties for housing those inmates. A Class C Felony sentence is 5 to 10 years.

- One (1) Class C Felon costs KY \$224,186.94 to \$448,373.88.
- Ten (10) Class C Felons cost KY \$2,241,869.38 to \$4,483,738.77.
- One hundred (100) Class C Felons cost KY \$22,418,693.84 to \$44,837,387.68.

Class D felons are housed in a county jail, and DOC pays counties a per diem for housing those inmates. A Class D Felony sentence is 1 to 5 years.

- One (1) Class D Felon costs KY \$17,313.27 to \$86,566.34.
- Ten (10) Class D Felons cost KY \$173,132.67 to \$865,663.37.
- One hundred (100) Class D Felons cost KY \$1,731,326.74 to \$8,656,633.71.

There are currently 162 inmates in custody and 768 offenders on supervision for credit-card-related offenses. The population statistics are only being provided to offer a reference for the number of offenders who commit similar crimes.

*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](http://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.\*

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Misdemeanor offenders are subject to the jurisdiction and cost of the county.

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

- One (1) Class A misdemeanor: \$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: \$426,902.48 to \$1,731,326.74

A Class B misdemeanor is up to 90 days in jail.

- One (1) Class B misdemeanor: up to \$4,269.02
- Ten (10) Class B misdemeanants: up to \$42,690.25
- One hundred (100) Class B misdemeanants: up to \$426,902.48

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

**SCS 1 /GA** - The committee substitute creates a minimal fiscal impact due to the application of penalties in accordance with the offense of theft by unlawful taking. If the value of the property is one million dollars (\$1,000,000) or more but less than ten million dollars (\$10,000,000), it is a Class B felony.

Class B felons will serve time in state prison. A Class B Felony sentence is 10 to 20 years.

- One (1) Class B Felon costs KY \$448,373.88 to \$896,747.75
- Ten (10) Class B Felons cost KY \$4,483,738.77 to \$8,967,477.54
- One hundred (100) Class B Felons cost KY \$44,837,387.68 to \$89,674,775.36

