

# CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 249

GA

BR #:1047

BILL SPONSOR(S): Rep. M. Whitaker

AMENDMENT SPONSOR(S): Rep. M. Whittaker

TITLE: AN ACT relating to involuntary commitment.

**SUMMARY OF LEGISLATION:** Amend KRS 202C.010 to include a violation of sexual abuse in the first degree to the definition of "qualifying offense"; make technical corrections.

**AMENDMENT:** Retain original provisions, except amend the definition of "qualifying offense" to include a felony offense under KRS Chapter 510.

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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): Expands eligibility for involuntary commitment under KRS Chapter 202C.

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**STATE IMPACT:** Class A, B, & C felonies are based on an average daily prison rate of \$116.41. 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 \$46.51 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 no impact on operational costs 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 \$46.51 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)

This legislation may have a fiscal impact at the local level due to the expansion of qualifying offenses for involuntary commitment. Some offenders may be transferred to a psychiatric facility instead of remaining in jail pending trial, which could reduce the local pretrial population.

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

GA: The amendment would have no impact on operational costs at the state or local level.

*\*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:**

