

CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 305

GA

BR #: 1531

BILL SPONSOR(S): Rep. C. Massaroni, J. Calloway, T. Roberts

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to grand jury service.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 29A to establish that a person present at any part of a grand jury proceeding shall not knowingly record the proceeding or disclose any information gathered while present during a proceeding; amend KRS 29A.990 to establish the penalty for knowingly recording or disclosing information gathered at a grand jury proceeding as a Class A misdemeanor unless the person is a public servant as defined in KRS 519.010, in which case it is a Class D felony; amend KRS 500.050 to provide that a misdemeanor violation of knowingly recording or disclosing information gathered at a grand jury proceeding shall be prosecuted within 10 years after the act is committed.

AMENDMENT:

HCS 1: Retain original provisions; except amend the statute of limitations for misdemeanor violations of recording information at a grand jury proceeding to be prosecuted within 10 years after the Commonwealth knew or should have known; amend the statute of limitations for misdemeanor violations of disclosing information gathered at a grand jury proceeding to be prosecuted within 5 years after the Commonwealth knew or should have known; provide that the Act may be cited at the Crystal Rogers Act.

HFA/GA: Retain original provision, except provide that the prohibition of recording or disclosing information gathered while present during a grand jury proceeding shall not apply to Commonwealth's attorney or any employee of the Commonwealth's attorney or peace officers.

This bill amendment committee substitute is expected to:

- | | |
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| <input checked="" type="checkbox"/> Have the following Corrections impact | <input type="checkbox"/> Have no Corrections impact. |
| <input checked="" type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input type="checkbox"/> Decreases incarceration. |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services. |
| <input type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions. |
| <input type="checkbox"/> Changes elements of the offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain): | |

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 likely result in a minimal increase in operational costs at the state level by creating a new Class D Felony.

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 \$16,975.64 to \$84,878.20
- Ten (10) Class D Felons cost KY \$169,756.40 to \$848,781.99
- One hundred (100) Class D Felons cost KY \$1,697,563.98 to \$8,487,819.88

There are currently zero (0) inmates in custody and zero (0) offenders on supervision for grand jury-related offenses. The population statistics are 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.

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)

The legislation would likely result in a minimal increase in operational costs at the local level by creating a new Class D Felony and a new Class A misdemeanor.

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 \$16,975.64 to \$84,878.20
- Ten (10) Class D Felons cost KY \$169,756.40 to \$848,781.99
- One hundred (100) Class D Felons cost KY \$1,697,563.98 to \$8,487,819.88

Establishing new misdemeanor offenses could result in additional county prisoners being housed in county jails.

A Class A misdemeanor is 90 days to 1 year in jail. Class A misdemeanants are housed at county jails, and associated costs are the responsibility of the local fiscal court. DOC does not incur a cost for misdemeanor offenders.

- One (1) Class A misdemeanor: \$4,185.77 to \$16,975.64
- Ten (10) Class A misdemeanants: \$41,857.74 to \$169,756.40
- One hundred (100) Class A misdemeanants: \$418,577.42 to \$1,697,563.98

There are currently zero (0) inmates in custody and zero (0) offenders on supervision for grand jury-related offenses. The population statistics are 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.

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

HCS: The committee substitute would have no additional impact on operational costs.

HFA/GA: The amendment would have no additional impact on operational costs.

**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.*

