

# CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 479

Introduced

BR #: 333

BILL SPONSOR(S): Rep. D. Grossberg

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to hate crimes.

**SUMMARY OF LEGISLATION:** Repeal and reenact KRS 532.031 to define "gender identity or expression"; list the actions that qualify as hate crimes; list the actual or perceived characteristics a person must have in order to qualify as a victim of a hate crime; outline penalties for a person guilty of a hate crime; set forth criteria for seeking an enhanced sentence; amend KRS 15.334 and to add characteristics of a victim to be considered when determining the cause of a crime; add a requirement that officers receive training on hate crimes; create a new section of KRS Chapter 411 to permit a civil action where the victim of a hate crime suffers damages regardless of the outcome of any criminal proceeding; establish recovery for the victim; amend KRS 17.1523 to add characteristics of a victim to be considered when determining the cause of a crime; amend KRS 15.440 to require that a unit of government shall possess a written policy and procedures manual related to hate crimes in order to receive funds from the Law Enforcement Foundation Program fund; repeal KRS 49.320, relating to victim of hate crime deemed victim of criminally injurious conduct.

## 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 \$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 moderate increase in operational costs at the state level by creating a new Class D Felony and circumstances that allow for alternative sentences.

Depending on the conviction, an inmate impacted by this bill could be housed in a jail or a prison. DOC expects most of those convicted in these circumstances to be housed in a prison. The below costs assume time is served in a prison. 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

Under the alternative sentencing law, incarceration costs are paid directly to the jailer based on the court's written order. The Department of Corrections covers the cost of housing offenders who are serving alternative sentences.

The legislation would also require modifications to the Kentucky Offender Management System (KOMS) to establish an indicator that can be tracked and allow enhanced penalties, with an estimated implementation cost of \$150,000.

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 \$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 impact on operational costs at the local level by creating a new Class D Felony and circumstances that allow for alternative sentences.

Depending on the conviction, an inmate impacted by this bill could be housed in a jail or a prison. DOC expects most of those convicted in these circumstances to be housed in a prison. DOC pays counties a per diem for housing inmates in the county jail. The costs below assume time is served in a jail. A Class D Felony sentence is 1 to 5 years.

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- Ten (10) Class D Felons cost KY \$169,756.40 to \$848,781.99
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Cost to Incarcerate can be found on [corrections.ky.gov/public-information](http://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:   
Commissioner, Kentucky Department of Corrections

3/6/2026  
Date