CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 5 HCS1 BR #: 1335

BILL SPONSOR(S): Rep. J. Decker, D. Osborne, C. Aull, S. Baker, R. Bivens, J. Blanton, S. Bratcher, R. Bridges, E. Callaway, J. Calloway, M. Dossett, R. Duvall, D. Elliott, D. Fister, P. Flannery, K. Fleming, C. Freeland, C. Fugate, A. Gentry, D. Gordon, P. Griffee, V. Grossl, T. Hampton, M. Hart, J. Hodgson, K. Holloway, T. Huff, M. Imes, K. Jackson, K. King, C. Lewis, S. Lewis, M. Lockett, S. Maddox, C. Massaroni, B. McCool, S. McPherson, D. Meade , S. Miles, K. Moser, A. Neighbors, J. Nemes, M. Proctor, T. Roberts, S. Rudy, S. Sharp, T. Smith, N. Tate, W. Thomas, J. Tipton, T. Truett, B. Wesley, M. Whitaker, R. White, W. Williams, N. Wilson, S. Witten

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to prison educational programs.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 197 to establish the Kentucky Community and Technical College System Prison Education Program within the Department of Corrections in partnership with the Kentucky Community and Technical College System (KCTCS) to provide inmates with job training; require KCTCS to construct a facility to house the program at Northpoint Training Center; establish convictions that preclude participation in the program; require the parties to enter into a memorandum of agreement establishing the responsibilities of each party; amend KRS 196.281 to establish entitlement to a certificate of employability upon successful completion of the program and require reporting by the department; amend KRS 335B.020 to establish that a person shall not be disqualified from public employment or obtaining an occupational license solely because of previous criminal conviction and obtaining a certificate of employment from the department shall constitute rebuttable evidence of rehabilitation and fitness for the occupation; amend KRS 355B.030 to remove a conviction of a Class A felony, Class B felony, or any other felony offense other than a conviction that would qualify the individual as a registrant as defined in KRS 17.500 as supportive of a rebuttable presumption of a connection between that conviction and a license issuance request.

AMENDMENT: HCS1: Retain original provisions; establish that the Department of Corrections and KCTCS may amend an agreement of understanding and may include terms to address the needs of the program; establish that the provisions of the Act do not create any private right or benefit for any inmate or limit the discretion of the Department of Corrections regarding operational and security requirements; remove KRS.335B.030.

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):	

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)

This legislation requires approximately $42 million in one-time construction costs, appropriated to Kentucky Community Technical College System to establish a new build programming space, including internal and external security features required by the Department of Corrections.

The prison education program established in this bill is anticipated to have a positive impact on reentry outcomes, ultimately reducing recidivism and state costs. The reentry campus would provide specialized and targeted reentry service and vocational technical education to support successful employment in in-demand industries in Kentucky. The program is projected to provide services to approximately 400 inmates annually. Similar programs in Michigan have seen a 50% reduction in recidivism from the general population. If DOC were to assume a 50% reduction in recidivism, the state could avoid an estimated $2.6 million per year in incarceration costs. Additionally, if these 400 inmates earn an average of 90 days of program credit annually, the state could realize approximately $4.19 million in sentence-credit cost avoidance, for a combined potential annual cost avoidance exceeding $6.8 million, depending on participation and outcomes.

In a future biennium, this bill would require approximately $668,000 in annual personnel costs for additional reentry staff and $215,000 in annual operating costs (utilities, maintenance, supplies). However, these costs are not anticipated to impact DOC until completion of facility construction.

Cost to Incarcerate can be found on corrections.ky.gov/public-information. The salary amounts provided are based on the Personnel Cabinet's salary schedule, in addition to taxes and retirement contributions.

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 have no impact on operational costs at the local level.

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

HCS1: This committee substitute does not have any additional operational impact.

**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: Cookie Crews

Commissioner, Kentucky Department of Corrections Date