

CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: SB 122 GA BR #: 1929

BILL SPONSOR(S): Sen. J. Adams, B. Storm

AMENDMENT SPONSOR(S): Storm

TITLE: AN ACT relating to alternative sentences.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 533 to define terms; require the court, upon conviction of the defendant, to consider the defendant's status as a caretaker of a dependent child; provide that a court's determination of a defendant's status as a caretaker of a dependent child shall not be admissible as evidence or be determinative in any subsequent proceeding; provide that the defendant shall have the right to present an alternative sentencing plan and a family impact statement to the court; provide that in issuing an alternative sentence, the court may require the defendant to participate in programs and services that support the parent-child relationship; provide that the court may modify or revoke the alternative sentence and commit the defendant to an institution if the defendant fails to adhere to or complete the conditions of an alternative sentence; amend KRS 610.340 to provide that a court determining whether to impose an alternative sentence for a defendant who is a caretaker of a dependent child has access to court records under KRS Chapters 600 to 645; provide that the Act may be cited as the Family Preservation and Accountability Act

AMENDMENT: HFA 1: Remove original provisions; amend KRS 533.010 to allow a sentencing court to consider if the defendant is a caretaker; establish criteria for the court to consider if a defendant is a caretaker; allow the court to order a defendant to participate in various programs or services.

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)

The fiscal impact on state operational expenses cannot be determined because it is unknown how frequently incarceration would be replaced with alternative sentences.

Alternative Sentences may be given in place of incarceration. Placement in a Halfway House or Treatment Center would cost DOC \$41.73 per offender per day for a community bed. Comparatively, the cost to incarcerate averages \$116.41 per offender per day.

An increase in the number of offenders on supervision and in the community could create additional needs for DOC community staff, equipment, and leased space. DOC's cost to supervise each offender is \$5.16 per day.

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.

