

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: HB 222 GA 1

BR #: 1035

DOC ID#: HB022230.100 - 1035 - XXXX

BILL SPONSOR(S): Rep. R. Benvenuti III, R. Mills, B. Reed

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to shock probation.

SUMMARY OF LEGISLATION: Amend KRS 439.265 to prohibit shock probation if a person is convicted of violating either KRS 507.040 or 507A.040, relating to manslaughter in the second degree or fetal homicide in the third degree, or either KRS 507.050 or 507A.050, relating to reckless homicide or fetal homicide in the fourth degree, and a violation of KRS 189A.010, relating to driving under the influence, arising from the same incident.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input 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 checked="" 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 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 \$66.82. Most Class D felons are housed in one of 76 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$31.41 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

Projected Impact: NONE MINIMAL MODERATE SIGNIFICANT

Potential Impact:

This legislation prohibits shock probation for defendants convicted of DUI in combination with Manslaughter 2nd degree or Reckless Homicide. Data reflects a total of 6 inmates serving on Manslaughter II or Reckless Homicide have been released on shock probation in 2016. However it should be noted that only 3 of those convicted of Reckless Homicide or Manslaughter II had an accompanying DUI Conviction.

While there is no way to estimate the number of individuals who will be affected by this bill, it is expected to have minimal impact on Department of Corrections.

House Committee Substitute:

The Committee Substitute adds a prohibition for shock probation for defendants convicted of DUI in combination with Fetal Homicide 3rd or 4th Degree. Currently, the Department has 4 offenders incarcerated on Fetal Homicide 3rd Degree and 0 offenders incarcerated on Fetal Homicide 4th Degree. It is unknown how many were the result of a DUI accident.

With the addition of Fetal Homicide to this legislation, additional offenders would be prohibited from shock probation. However, with a limited number of offenders for whom this circumstance would be applicable, the overall impact to the Department of Corrections would not be significant in terms of incarceration or the supervised population.

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. While the expense varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Projected Impact: NONE MINIMAL MODERATE SIGNIFICANT

Creates no new misdemeanor offenses.

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 or that impose new obligations on state or local governments.

APPROVED BY:

Commissioner, Kentucky Department of Corrections

Date