

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS BILL #: SB 14 Prefiled BR #: 49 DOC ID#: BR004900.100 - 49 - XXXX

BILL SPONSOR(S): Sen. Reginald Thomas AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to voting.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 117 to allow in-person early voting between 8 a.m. and 6 p.m. on the three Saturdays preceding any primary, regular election or special election; amend KRS 117.087, 117.165, 117.235, and 117.995 to conform; amend KRS 118.035 to conform and to also extend voting hours for election day voting from 6 p.m. to 8 p.m.

This bill amendment committee substitute is expected to:

Have the following Corrections impact 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 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 \$70.12. 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 \$31.45 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 MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The legislation provides procedures for in-person early voting. Section 5 lists felony and misdemeanor offenses under KRS 117.995 related to knowing and willful violations of election law. This legislation creates an additional Class D felony offense for any person who makes a false statement on an application to cast an in-person early voting ballot. In addition, early voting is added to Class A misdemeanors under KRS 117.235 and KRS 117.236 for violation of prohibited activities during voting.

It is not known how many new convictions would be incurred for false statements on an early voting ballot application, but it is not expected to be a significant number of occurrences. Accordingly, the impact to incarceration or supervision of felony offenders under the Department of Corrections would be very little to negligible.

Currently the Department does not have any offender incarcerated or on supervision for KRS 117.235, KRS 117.236, or KRS 117.995. AOC reports only two charges under any KRS chapter 117 in the last five fiscal years (FY2013-FY2017), with no convictions.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost KY \$114,808 to \$574,040

1 Class D Felon costs KY \$11,481 to \$57,404

100 Class D Felons cost KY \$1.1M to \$5.7M

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 MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

This legislation adds early voting to currently existing misdemeanor offenses established under KRS 117.995 for violation of prohibited activities during voting outlined in KRS 117.235 and KRS 117.236. This addition is not expected to significantly increase the number of convictions incurred under these statutes.

There is no anticipated additional impact for local corrections based on this proposed legislation.

A Class A misdemeanor is 90 days to 1 year in jail

10 Class A misdemeanants: \$28,206 to \$114,391

1 Class A misdemeanant: \$2,821 to \$11,439

100 Class A misdemeanants: \$282,060 to \$1,143,910


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. The Department of Corrections and local jails continue to

operate over capacity. Without steps to reduce the population, any legislation that increases population or lengthens the term of incarceration will have a significant impact on correctional operations.

APPROVED BY:



Commissioner, Kentucky Department of Corrections

1/5/2018

Date