

6.949 Corrections impact statement -- Conditions in legislation requiring preparation -- Contents of corrections impact statement -- Calculation of costs and savings of creation of new crime or revision of existing crime -- Statement of sponsor regarding source of funds for additional costs of legislation.

- (1) Any bill, amendment, or committee substitute that creates a new crime, increases the penalty for an existing crime, decreases the penalty for an existing crime, changes the elements of the offense for an existing crime, repeals an existing crime, or proposes to increase, decrease, or otherwise impact incarceration shall be identified by the drafter as having a corrections impact on a "Corrections Impact Statement" form specified by the Legislative Research Commission.
- (2) Any bill, amendment, or committee substitute which permits a state agency to do any of the acts specified in subsection (1) of this section, even if the action is termed a regulatory offense by administrative regulation, shall be identified by the drafter as having a corrections impact in the manner specified in subsection (1) of this section.
- (3) Any bill, amendment, or committee substitute that permits a city, county, urban-county, charter county, consolidated local government, special district, or any other subdivision of local government to do any of the acts specified in subsection (1) of this section by ordinance or any other form of action shall be identified by the drafter as having a corrections impact in the manner specified in subsection (1) of this section.
- (4) The drafter of any bill, amendment, or committee substitute identified as having a corrections impact under subsections (1) to (3) of this section shall notify the sponsor of the bill, amendment, or committee substitute that a corrections impact is required.
- (5) If a bill, amendment, or committee substitute is identified as having a corrections impact, a "Corrections Impact Statement" shall be prepared by the staff of the Department of Corrections with the assistance of the Department of Kentucky State Police, Administrative Office of the Courts, Parole Board, and other persons, agencies, or organizations deemed necessary by the Department of Corrections staff assigned to prepare the corrections impact statement. The Department of Kentucky State Police, Administrative Office of the Courts, Parole Board, and other persons, agencies, and organizations that have been requested to provide information for the corrections impact statement shall do so within the period of time specified by the Department of Corrections staff person requesting the information, which in no case shall exceed two (2) business days unless an extension is granted by the requesting staff person.
- (6) The corrections impact statement shall contain the estimated costs, estimated savings, and necessary appropriations based upon:
 - (a) Incarceration in jail prior to trial and during trial based on the available information about persons granted bail or other form of pretrial release and the length of time spent in jail prior to release;

- (b) Supervision of a person who has been granted bail or pretrial release based on the average time spent between the time of release until the time of trial for the offense;
 - (c) Incarceration in jail for a misdemeanor following conviction based on the maximum time of incarceration authorized for the offense;
 - (d) Incarceration in a state correctional facility for a capital offense, or felony offense based on the maximum and minimum length of incarceration authorized for the offense, except for offenses in which incarceration in a county jail for a Class D felony is required;
 - (e) Incarceration in a county jail for a Class D felony for which incarceration in a county jail is authorized based on the maximum and minimum sentence of incarceration authorized for a Class D felony;
 - (f) Probation or conditional discharge supervision based on the maximum time of probation or conditional discharge authorized for the offense;
 - (g) Parole supervision based on the average length of parole supervision authorized for the offense assuming full parole supervision; and
 - (h) Mandated treatment, education, and other programs which are to be paid by the state, unit of local government, or public agency based on the number of persons anticipated to be required to complete the program if the education, treatment, or other program is not normally offered as a part of a defendant's incarceration and is required to be completed outside of a correctional facility.
- (7) Insofar as possible, costs and savings for a change to an existing crime shall be calculated using:
- (a) Arrest data for the crime from the Department of Kentucky State Police;
 - (b) Pretrial incarceration data from the Administrative Office of the Courts;
 - (c) Preconviction jail data from the Administrative Office of the Courts;
 - (d) Conviction data from the Administrative Office of the Courts;
 - (e) Postconviction jail and imprisonment data from the Department of Corrections;
 - (f) Probation and parole data from the Department of Corrections; and
 - (g) Data from applicable agencies or organizations providing treatment, education, or other mandated programs.
- (8) Insofar as possible, costs or savings for a new crime shall be calculated in the same manner as specified in subsection (7) of this section using data for similar crimes unless that is determined by the Department of Corrections staff person to be impractical or impossible in which case the estimate for a new crime may be prepared using:
- (a) The maximum and minimum length of incarceration for the offense;
 - (b) An estimate of cost based on ten (10) persons being charged with the offense, and based on one hundred (100) persons being charged with the offense;

- (c) An estimate of cost based on ten (10) persons and one hundred (100) persons being convicted of the offense and sent to jail if the offense is a misdemeanor using the criteria specified in subsection (9) of this section; and
 - (d) An estimate of cost based on ten (10) persons and one hundred (100) persons being convicted of a felony offense requiring imprisonment in a state-operated correctional facility unless the offense is a Class D felony for which imprisonment in a county jail is required in which case the cost shall be based on the amount paid by the Department of Corrections for a person incarcerated in a county jail for a Class D felony.
- (9) Costs or savings shall be based on the average costs actually paid by the Department of Corrections during the previous fiscal year for incarceration of a person in a state correctional facility, the average cost for supervision of a person placed on probation without electronic monitoring, the average cost of a person placed on probation with electronic monitoring, the average cost of parole supervision without electronic monitoring, and the average cost of parole supervision with electronic monitoring.
- (10) The sponsor of any bill or amendment or sponsor of a proposed committee substitute adopted by a committee that is identified as having a corrections impact shall identify in writing where the funds to pay for additional costs of the proposal will come from either by reducing other expenditures, additional revenues, or otherwise. The sponsor's statement shall be included with the corrections impact.
- (11) If an amendment to a bill is combined into a committee substitute or a GA version of the bill is created incorporating a floor amendment, a new corrections impact statement shall be prepared combining the information in the original bill as modified by the amendment.
- (12) A bill, amendment, or committee substitute shall not be considered for final passage unless the corrections impact and latest revised corrections impact, if required, has been made available to the members of the House of Representatives or the Senate, as appropriate, on the day prior to the day the bill, amendment, or committee substitute is to be voted on for final passage.

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