

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: HB 488 Introduced

BR #: 1134

DOC ID#: BR113400.100 - 1134 - XXXX

BILL SPONSOR(S): Rep. J. Gooch Jr. **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to concealment of identity during the commission of a crime.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 525 to prohibit the concealing of a person's identity during a protest with the intent to evade discovery in the commission of a crime.

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 \$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:

HB 488 creates a Class D felony offense if an individual conceals his identity while engaging in a public protest, demonstration, or march by intentionally wearing a mask, hood, or another device that hides, conceals, or covers any portion of the face for the purposes of escaping discovery, recognition, or identification of the commission of a crime.

There is no way to predict how many additional offenders this legislation would generate as currently, there is no comparable crime.

Overall, however, the expected impact to incarceration is not expected to be significant.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$114,640 to \$573,200

1 Class D Felon costs KY \$11,464 to \$57,320

100 Class D Felons cost \$1.146M 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 MINIMAL MODERATE SIGNIFICANT

Creates no new misdemeanor offenses.

The creation of a Class D felony would increase the number of class D state inmates housed in county jails. Jails will receive a per diem for housing these offenders, thereby creating an additional source of revenue for the county jail. Overall, the expected increased number of offenders under this legislation would be minimal.

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