

HB 396: CJPAC Justice Reinvestment Bill

The Need to Act

In 2016, Kentucky had the **2nd highest rate of incarceration for women** and the **9th highest overall incarceration rate in the country**. Between 2012 and 2016, admissions to Kentucky prisons grew 32%. The Commonwealth's rapid prison growth has led to dangerous overcrowding, especially in county jails where nearly half of state inmates are housed. Kentucky's high incarceration rate comes at an **escalating cost to taxpayers**, with the Department of Corrections requesting nearly \$700 million for corrections in the FY2019 budget.

Absent significant legislative solutions, Kentucky's prison population is projected to **grow 19%** in the next decade, adding over **4,400 beds**, at an additional cost of more than **\$600 million** dollars to taxpayers. With many prisons and jails already operating well over 100% capacity, the state of Kentucky will have to re-open two additional private prisons within 18 months.

The Problem Facing Kentucky

Last year, Governor Bevin and leaders of the legislative and judicial branches established the CJPAC Justice Reinvestment Work Group. Through a comprehensive review of the state's sentencing and corrections data, the Work Group found that:

- Between 2012 and 2016, **admissions to Kentucky prisons grew 32%**, while female admissions grew by 54%. This growth was driven by:
 - A doubling in the number of people incarcerated for drug possession;
 - A 38% increase in admissions for low-level Class D felony offenses; and
 - A 50% increase in parole revocations
- 65% of new prison admissions in 2016 were sentenced for drug and property offenses
 - Close to half of newly sentenced property and drug offenders had **no prior felonies**
- Only 36% of offenders end their parole or probation terms due to successful completion
 - The remainder are incarcerated, with 97% of them sent back to prison for technical violations
- Over this period, **the female DOC population increased twice as much** as the overall DOC population

A Comprehensive Solution: HB 396

The Work Group developed a comprehensive package of recommendations to safely reduce Kentucky's prison population, increase public safety, and improve outcomes for individuals. HB 396 will:

- 1) Strengthen community supervision** by expanding the use of swift, certain, and proportional sanctions; restricting the use of incarceration for technical violations; allowing probationers to earn programming and good time credits; and expanding the use of administrative supervision
- 2) Focus prison and jail beds on serious and violent offenders** by reclassifying first and second drug possession convictions to a misdemeanor; raising the felony theft threshold from \$500 to \$2,000; reclassifying select non-DUI traffic and licensure offenses from misdemeanors to violations; establishing a streamlined parole process for low-level, nonviolent inmates; implementing a geriatric parole option; strengthening medical parole; and increasing credits available to misdemeanor sentences
- 3) Improve pretrial release** by codifying and expanding the AOC's Administrative Release program and establishing a preventive detention process to allow judges to detain certain high risk defendants prior to trial
- 4) Minimize financial barriers to reentry** by allowing individuals on an installment plan to make payments over the length of their supervision term; allowing judges to impose alternatives to incarceration for nonpayment of costs and fees; and allowing financial obligations to be suspended for the first six months following release from prison
- 5) Send resources back to the local infrastructures that most need them** by creating a cost sharing mechanism to share a portion of DOC savings with counties in order to support front-end treatment and supervision of the misdemeanor population
- 6) Support the priorities of the victims' community** by requiring stakeholders to receive training on victims' statutory rights and expanding the use of swift and certain sanctions
- 7) Ensure sustainability of reforms** by establishing an oversight council and requiring performance measure data to be collected to track the implementation of the recommendation

HB 396: CJPAC Justice Reinvestment Bill

Kentuckians Call for Action

Governor Matt Bevin: “We’re not spending any more money building prisons to warehouse people. We are going to find ways to pour into people who have screwed up, who are in prison, so that we rehabilitate and re-assimilate them and don’t have them recidivate back into the system, over and over again.”

Eileen Recktenwald, Kentucky Association of Sexual Assault Programs: “We’re incarcerating too many people, particularly women, for low-level offenses. Many of these women are crime victims themselves. Accountability is important, but they need support and treatment, not a jail cell.”

Wayne Turner, Retired Bellevue Police Chief: “From a law enforcement perspective, it doesn’t benefit anyone to lock up the same individuals over and over without meaningful treatment or rehabilitation or hope to a clear path for reversing their criminal activity. These recommendations are not about being soft on crime; they are about holding people accountable in a way that enhances public safety now and for many years to come.”

Impact of HB 396

If passed, this legislation is projected to reduce the prison population by almost **3,500 beds** from the projected level, **averting 78% of the projected growth** in the next 10 years and saving over \$335 million in state corrections costs through 2027.

