

CORRECTIONS IMPACT STATEMENT

SESSION: 15RS BILL #: HB 393 Introduced BR #: 1578 DOC ID#: BR157800.100 - 1578 - 3070

BILL SPONSOR(S): Rep. J. Fischer, M. Harmon, J. DuPlessis, K. King, T. Moore, J. Tipton

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT establishing the Pain Capable Unborn Child Protection Act.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 311 to create the Kentucky Pain-Capable Unborn Child Protection Act, to define terms; set out factual findings by the General Assembly; require a determination of fetal age prior to performing an abortion; prohibit an abortion after 20 weeks of fetal development except in cases of emergency, allow for civil and injunctive relief; establish privacy protections; allow for severability of the various provisions; amend KRS 311.990 to establish a criminal penalty for violations; amend KRS 213.101 to expand the statistical reporting system for abortions; repeal KRS 311.780.

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 \$60.38. Most Class D felons are housed in one of 78 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$32.92 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: Section 4 Would prohibit an abortion after 20 weeks of fetal development except in cases of emergency and establishes a penalty for any person convicted of violating the provisions of this chapter be guilty of a Class D felony.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$120,145 to \$600,724.

1 Class D Felon costs Ky. \$12,014 to \$60,072.

100 Class D Felons cost \$1.2M to \$6M.

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 \$32.25 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Potential Impact: Section 9 Would require each induced termination of pregnancy which occurs in the Commonwealth to be reported to the Vital Statistics Branch within fifteen (15) days after the end of the month in which the termination occurred. This section establishes a Class A misdemeanor penalty for the intentional or reckless falsification of any report required under this section.

Based on the \$32.25 per diem rate, the local impact is estimated as follows:

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

10 Class A misdemeanants: \$29,025 to 117,713.

1 Class A misdemeanor: \$2,903. to \$11,771.

100 Class A misdemeanants: \$290,250 to \$1.1M.

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 _____