

# CORRECTIONS IMPACT STATEMENT

SESSION: 15RS

BILL #: HB 515 GA

BR #: 165

DOC ID#: HB051510.100 - 165 - 5126

BILL SPONSOR(S): Rep. Overly

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to human trafficking.

**SUMMARY OF LEGISLATION:** Creates a new section of KRS chapter 529, in regard to commercial sexual activity of a minor which removes being mistaken about a minors age as a defense to prosecution. Amend KRS 531.330 to conform. Amend KRS 529.170 to follow the structure of defenses used throughout the penal code.

HCS - Create a new section of KRS Chapter 529 in regard to commercial sexual activity with a minor which removes being mistaken about a minor's age as a defense to prosecution; amend KRS 531.330 to conform.

This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact  Have no Corrections impact

Creates new crime(s)

Repeals existing crime(s)

Increases penalty for existing crime(s)

Decreases penalty for existing crime(s)

Increases incarceration

Decreases incarceration

Reduces inmate/offender services

Increases inmate/offender services

Increases staff time or positions

Reduces staff time or positions

Changes elements of offense for existing crime(s)

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 1 Although it is not possible to determine how many convictions this bill would generate, the impact is expected to be minimal. Between 2010 and 2014 there have been four convictions committed to DOC for Human Trafficking. Human Trafficking is a Class C Felony and Promoting Human Trafficking is a Class D felony.

A Class C Felony sentence is 5 to 10 years.

10 Class C Felons cost \$1.1M to \$2.2M.

1 Class C Felon costs Ky. \$110,191 to \$220,382.

100 Class C Felons cost \$11M to \$22M.

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.

Creates no new misdemeanor offenses.

**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