

CORRECTIONS IMPACT STATEMENT

SESSION: 15RS BILL #: SB 127 Introduced BR #: 1192 DOC ID#: BR119200.100 - 1192 - 2427

BILL SPONSOR(S): Sen. J. Higdon AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to the safety and well-being of students.

SUMMARY OF LEGISLATION: Amend KRS 158.440 to require school districts to have plans, policies, and procedures to deal with a student who is harassing, intimidating, cyberbullying, or bullying another student; amend KRS 158.441 to define "harassment, intimidation, cyberbullying, or bullying"; allow civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution to be included in areas exempt from definition of "harassment, intimidation, cyberbullying, or bullying"; amend KRS 158.148 to require a school district's code of acceptable behavior and discipline to prohibit harassment, intimidation, cyberbullying, or bullying of students; require, if funds are available, school districts to provide training on the code of acceptable behavior to specific school employees; provide immunity to school employees or students who report a student's disruptive or disorderly behavior; amend KRS 158.150 to include student harassment, intimidation, cyberbullying, or bullying as a cause for disciplinary action; allow disciplinary action other than expulsion or suspension as an option; amend 158.444 to require local school districts to report specific disciplinary actions to the Kentucky Department of Education; amend KRS 525.080 to include electronic communication, under certain conditions, as a form of harassing communication.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input 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

Creates no new felonies.

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 6 Expands the Class B misdemeanor offense of harassing communications to include electronic communication.

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

A Class B misdemeanor is up to 90 days in jail.	10 Class B misdemeanants: up to \$28,703.
1 Class B misdemeanant: up to \$2,870.	100 Class B misdemeanants: up to \$287,025.

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