

# CORRECTIONS IMPACT STATEMENT

SESSION: 15RS

BILL #: SB 85 GA

BR #: 1235

DOC ID#: SB008510.100 - 1235 - 5114

**BILL SPONSOR(S):** Rep. R. Alvarado **AMENDMENT SPONSOR(S):**

**SUBJECT:** AN ACT relating to victims of sex offenses.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 510 to provide for a permanent restraining order for victims of sex offenses with application thereof to proceed automatically upon a conviction or plea of guilty for a violation of KRS Chapter 510; establish that the court may grant the victim various forms of relief limiting contact between the defendant and the victim and the family and household members of the victim; provide that any such order be sufficiently limited to protect the victim but also protect a defendant's right to work, receive an education, or do business with the employer of a victim; establish that a restraining order issued against a person under this provision is valid for a period of not more than 10 years, the specific duration of which will be determined by the court; establish that a violation of the restraining order is a Class A misdemeanor; require that a restraining order not prohibit contact by an attorney regarding a legal matter; establish that within 24 hours of entry of a restraining order or entry of an order rescinding a restraining order, the circuit clerk shall forward a copy of the order to the Law Information Network of Kentucky (LINK); require that the location of the victim be confidential; require that an order continue in effect following the termination of any terms or conditions of a defendant's suspension of sentence, probation supervision, home incarceration or any other post-conviction release of the defendant; establish that this provision does not preclude the filing of a criminal complaint for a criminal violation based on the same act as that which is the basis for the violation of the restraining order.

SFA (1, W. Schroder) - Add mental state "knowingly" to prohibition on entering specified places.

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 Cost: Section 1 Creates a new Class A misdemeanor for violation by a defendant of an order issued pursuant to the provisions of the bill.

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