

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 109 GA

BR #: 43

DOC ID#: BR004300.100 - 43 - 182

BILL SPONSOR(S): Rep. Jenkins AMENDMENT SPONSOR(S):

SUBJECT: .AN ACT relating to offenses committed in a continuing course of conduct against vulnerable victims.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 501, relating to general principles of liability, to define "offense against a vulnerable victim" and to create a mechanism for charging a person with the commission of an offense against a vulnerable victim in a continuous course of conduct.

HCS1/CI/LM - Add KRS 510.050, 510.080, 510.120, 529.100, and 529.110 to offenses which can be charged in a continuing course of conduct.

HCA1(J. Jenkins) - Keep original provisions; add subsection specifying that if a person is convicted of an offense against a vulnerable victim in a continuing course of conduct, that person may not also be convicted of charges based on the individual unlawful acts that were part of the continuing course of conduct.

HFA1(J. Jenkins) - Declare emergency.

HFA2(J. Jenkins) - Make title amendment.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

Creates new crime(s)

Increases penalty for existing crime(s)

Increases incarceration

Reduces inmate/offender services

Increases staff time or positions

Changes elements of offense for existing crime(s)

Otherwise impacts incarceration (Explain) _____

Repeals existing crime(s)

Decreases penalty for existing crime(s)

Decreases incarceration

Increases inmate/offender services

Reduces staff time or positions

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$61.09. 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 \$31.92 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. Section 1 The proposed legislation adds the language "Offense against a vulnerable victim" to several existing laws. During the calendar year 2015, 356 individuals were incarcerated under the offenses listed in the proposed legislation. If an additional 10% of offenders were incarcerated that would add 36 offenders.

A Class D Felony sentence is 1 to 5 years. 1 Class D Felon costs Ky. \$11,866 to \$60,072. 10 Class D Felons cost \$118,660 to \$600,720. 100 Class D Felons cost \$1.2M to \$6M.

A Class C Felony sentence is 5 to 10 years. 1 Class C Felon costs Ky. \$111,489 to \$222,979. 10 Class C Felons cost \$1.1M to \$2.2M. 100 Class C Felons cost \$11M to \$22M.

A Class B Felony sentence is 10 to 20 years. 1 Class B Felon costs Ky. \$222,979 to \$445,957. 10 Class B Felons cost \$2.2M to \$4.5M. 100 Class B Felons cost \$22M to \$44.5M.

A Class A Felony sentence is 20 years or more. A Class A Felony sentence is 20 years or more. 1 Class A Felon costs Ky. a minimum of \$445,957. 10 Class A Felons cost a minimum of \$4.5M 100 Class A Felons cost a minimum of \$44.5M.

Violent Offenses require the offender to serve 85% of their sentence to release.

Additionally, there would be costs associated with Sex Offender Conditional Discharge (SOCOD). SOCOD lasts for 5 years upon release from prison. Any offender who violates SOCOD returns to prison and serves the remainder of the SOCOD time day for day.

Those offenders charged with a sex crime would have to register on the Sex Offender Registry. This duty would fall to law enforcement to complete and maintain.

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 \$31.34 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Section

There will be no impact on local governments

Based on the \$31.34 per diem rate, the local impact is estimated as follows:

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