

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 110 GA

BR #: 52

DOC ID#:

BILL SPONSOR(S): Rep. J. Jenkins, L. Belcher

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to distribution of sexually explicit images without the consent of the person depicted.

SUMMARY OF LEGISLATION: Amend KRS 531.010 to define "private erotic matter"; create a new section of KRS Chapter 531 to prohibit the distribution of sexually explicit images without consent, and make such distribution a Class A misdemeanor unless it is done for profit, in which case it is a Class D felony.

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 \$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

Potential Impact: Section 2 The proposed legislation creates the term "Private Erotic Matter". Distribution of sexually explicit images without consent is a Class A Misdemeanor. If the private erotic matter is distributed for profit or gain then it is a Class D felony. As this is a new felony it is not possible to determine the total impact on incarceration rates for the Department of Corrections.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$118,660 to \$600,720.

1 Class D Felon costs Ky. \$11,866 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 \$31.34 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Potential Impact: Section 2 With the creation of a Class A misdemeanor, local facilities will have to house individuals convicted of the crime proposed by the legislation.

Based on the \$31.34 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 misdemeanant: \$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