

AMENDED
CORRECTIONS IMPACT STATEMENT

SESSION: 16RS **BILL #: HB 44** Prefiled **BR #: 254** **DOC ID#: BR025400.100 - 254 - 452**

BILL SPONSOR(S): Rep. K. King, R. Bunch, D. Hale, R. Heath **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to sex offender registrants.

SUMMARY OF LEGISLATION: Amend KRS 17.545 to prohibit sex offender registrants from being present on the grounds of a publicly owned playground without advance written permission.

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 checked="" 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 77 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$32.51 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: This legislation would prohibit sex offender registrants from being present on the grounds of a publicly owned playground without advance written permission. This bill proposes to make sex offenders who are present on a playground without advance written permission guilty of a Class A Misdemeanor for a first offense and a Class D felony for the second or each subsequent offense. Corrections data shows no individuals are currently serving on Registered Sex Offender Residence Restrictions Subsequent Offense (KRS 017.545[1]).

If a sex offender registrant failed to comply with this added requirement, possible costs incurred to the Department would include: costs associated with incarceration, possible revocation proceeding costs and costs associated with Probation and Parole staff that monitor the sex offender caseloads.

Although it is not possible to determine how many convictions this legislation would generate, the overall impact is expected to be minimal.

Additional potential costs associated with this bill proposal:

Increases in Cost of Providing County Inmates Access to Medical Network-The Department is responsible for payment for county offenders to be afforded access to medical network. The cost is calculated as follows: \$0.055 times the County Jail ADP for the month not to exceed \$165,958 based on a negotiated ADP of 8,318. Any increases in population beyond these parameters would require DOC to negotiate to amend the contract for the corresponding increased cost.

Increase in the Cost of Housing County Offenders for Medical Treatment – KRS 441.560 - Jails may request that a county offender be admitted to a DOC institution for treatment of catastrophic medical conditions. The Department assumes the cost of housing and medical care. In FY15 \$627,985 were expended for these admissions.

Acceleration in Depletion of Catastrophic Medical Fund – KRS 441.045 -The Department's Catastrophic Medical fund is utilized to reimburse jails for medical bills for county offenders which exceed \$1,000. Once this fund is depleted, county jails are responsible for these medical bills.

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 \$31.92 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Projected Impact: NONE MINIMAL MODERATE SIGNIFICANT

Potential Cost: This legislation would prohibit sex offender registrants from being present on the grounds of a publicly owned playground without advance written permission. This bill proposes to make sex offenders who are present on a playground without advance written permission guilty of a Class A Misdemeanor for a first offense and a Class D felony for the second or each subsequent offense. Data provided by AOC reflects there were 27 convictions for Registered Sex Offender Residence Restrictions First Offense in the last three years (CY 2013- CY 2015). Although it is not possible to determine how many convictions this legislation would generate, the overall local impact is expected to be minimal.

Additional local impacts associated with this bill proposal:

Increase in Fees Associated with Incarceration

An increase in the number of non-state inmates in jails would increase housing costs, and other costs such as booking, court transportation, healthcare costs etc.

Increase in Medical Costs -Catastrophic Medical Payments -KRS 441.045

The Department is responsible for payments for medical bills for non-state inmates which exceed \$1,000. This fund is a set amount that has been insufficient to cover all bills submitted each year. Once this fund is depleted, jails are responsible for payment of medical bills. An increase in the number of non-state inmates could increase cost of providing medical care to jails.

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