

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 575 GA

BR #: 1527

DOC ID#:

BILL SPONSOR(S): Rep. K. Sinnette **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to crimes and punishments and making an appropriation therefor.

SUMMARY OF LEGISLATION: Create a new sections of KRS 17.500 to 17.580 to require sex offender registrants to pay an annual \$75 registration fee; require the Department of Kentucky State Police to waive the fee if the registrant is found to be indigent; provide that failure to pay the fee does not prevent the registrant from registering and updating their registry information; make any registrant whose fee was not waived and who knowingly fails to pay the fee guilty of a violation with a fine up to \$250 for the first offense and a Class B misdemeanor for each subsequent offense; provide that the fee requirement is no retroactive and shall only apply to a registrant that committed a registerable offense after January 1, 2017; create the sex offender registry fund as a restricted fund to consist of money received from the sex offender registration fee; require that money in the fund be used to maintain the sex offender registry; amend KRS 17.500 to revise the definition of "criminal offense against a victim who is a minor" and "registrant information"; amend KRS 17.510 to require registrants to provide palm prints; require persons convicted or required to register in other jurisdictions to register within three working days of relocation; require registrants to inform the appropriate local probation and parole office of travel outside the country; require registrants who move to a new county to register with the appropriate local probation and parole office within three working days; require any changes to a registrant's electronic mail address or any other Internet communication name identity to register the change or new identity within three working days; amend 17.520 to make a technical correction; amend KRS 17.545 to prohibit a sex offender registrant that is 18 years of age or older from having the same residence as a minor; provide an exception if the registrant is the spouse, parent, grandparent, stepparent, sibling, stepsibling, or guardian unless the child, grandchild, stepchild, siblings, step siblings, or ward was a victim of the registrant; provide that the prohibition is not retroactive and shall only apply to a registrant that committed a registerable offense after the effective date of this Act; make any registrant who violates the prohibition of living with a minor guilty of a Class A misdemeanor for the first offense and a Class D felony for the second and each subsequent offense; allow a registrant living with a prohibited minor 90 days from the effective date of this Act to move; amend KRS 17.546 to revise the definition of "social networking Web site"; amend KRS 17.580 to require the Department of Kentucky State Police to display a registrant's palm prints on their Web site; Sections 1 and 2 EFFECTIVE January 1, 2017.

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 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 78 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

\$0-\$1,000,000 \$1,000,000- \$5,000,000 \$5,000,000- Up

Potential Impact: The proposed legislation has several areas that will affect the Department of Corrections.

Section 1: Creates a new offense for failure to pay the yearly \$75 registration fee. The offense is a violation with a \$250 fine for the first offense and a Class B misdemeanor for each subsequent offense. Failure to comply would have the potential to increase the inmate population in county jails. Section 2: This section grants DOC \$10 from the \$75 registration fee to be used to maintain the sex offender registry. Section 3: This section expands the definition of a "criminal offense against a victim who is a minor" to include offenses committed in other states or territories, federal offenses, and offenses subject to court martial that are similar to the offenses listed in that subsection. The expanded definition would increase the number of people required to be lifetime registrants under KRS 17.520(3)(b). Section 4: Probation and Parole would be required to obtain palm prints in addition to fingerprints of everyone required to register as a sex offender. This section also shortens the length of time for sex offenders from other states to register in Kentucky when they relocate to Kentucky, or enter Kentucky to carry on a vocation or enroll as a student. Anyone who fails to register within the new (shorter) 3 day period would be guilty of a Class D felony for the first offense

and a Class C felony for each subsequent offense. This would increase the number of Class D and Class C inmates incarcerated. The proposed legislation shortens the length of time for sex offenders to register their new address if they move to a new county in Kentucky. Anyone who fails to register their new address within the new (shorter) 3 day period would be guilty of a Class D felony for the first offense and a Class C felony for each subsequent offense. Additionally the proposed legislation adds a new requirement that registered sex offenders must give the local probation and parole office certain information no less than 21 days before traveling outside of the U.S. They must also register with the local probation and parole office within 3 days of returning from travel outside the U.S. Failure to comply with the requirement would be a Class D felony for the first offense and a Class C felony for each subsequent offense. Section 6: Adds a new requirement that registered sex offenders over 18 years of age cannot have the same residence as a minor. An exception is made if the sex offender is a close relative of the minor, unless the minor was a victim of the registrant. The penalty for violating this requirement would be a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense. This would increase the number of inmates in the county jails.

From CY 2010 through CY 2015 there was an average of 107 individuals incarcerated for failure to comply with the sex offender registration. If there was a 10% increase in offenders (10) convicted for this charge this would cost the \$118,660 for the first year up to \$ 600,720 for 5 years.

Each new misdemeanor required to serve time in a county jail may pose costs to the state if these additional misdemeanants reduce the Department of Corrections' ability to utilize county jail beds. Specifically, if jail beds are exhausted by county inmates, this reduces the number of beds available to the Department to house nonviolent Class C and Class D felons. In addition to this, the Department indicated that it costs the state \$.057 per county inmate per day to utilize the Department's contract medical, dental, and psychological care access plan pursuant to KRS 441.053.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$118,660 to \$593,310.

1 Class D Felon costs Ky. \$11,866 to \$59,331.

100 Class D Felons cost \$1.1M to \$5.9M.

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 Impact: A second offense for not paying the registration fee would result in a Class B Misdemeanor. This would result in an increase in individuals incarcerated for this offense. The impact is expected to be minimal.

A Class B misdemeanor is up to 90 days in jail.

10 Class B misdemeanants: up to \$28,728.

1 Class B misdemeanor: up to \$2,873.

100 Class B misdemeanants: up to \$287,300.

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