

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: SB 130 HCS

BR #: 193

DOC ID#: BR019300.100 - 193 - 2855

BILL SPONSOR(S): Sen. Westerfield **AMENDMENT SPONSOR(S):**

SUBJECT: . AN ACT relating to child pornography.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 531 to exempt: peace officers; prosecutors, their personnel, and experts; judges, jurors, and other court personnel; criminal and civil defense counsel and their personnel; and litigants from prosecution, while acting within the scope of their duties.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

Creates new crime(s)

Repeals existing crime(s)

Increases penalty for existing crime(s)

Decreases penalty for existing crime(s)

Increases incarceration

Decreases incarceration

Reduces inmate/offender services

Increases inmate/offender services

Increases staff time or positions

Reduces staff time or positions

Changes elements of offense for existing crime(s)

Otherwise impacts incarceration (Explain) Protects staff in regards to job duties

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 1 The proposed legislation states the chapter related to child pornography shall not apply to Peace officers and other law enforcement personnel processing and viewing the above referenced materials in the course of an investigation or prosecution of a violation of a criminal case. The legislation would also apply to judges, juror and other personnel of the court as well as criminal defense counsel an their personnel, private civil counsel and their personnel, a litigant in criminal or civil litigation. The legislation creates no new felonies.

The section could add protection to Correctional Officers and Probation and Parole officers that may have to handle such materials as a result of an investigation.

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.

Creates no new misdemeanor offenses. Section

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