

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: SB 25 GA

BR #: 1065

DOC ID#:

BILL SPONSOR(S): Sen. M. Wise, W. Westerfield, R. Alvarado, D. Carroll, C. Embry Jr., C. McDaniel, D. Thayer, S. West, M. Wilson
AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to abortion.

SUMMARY OF LEGISLATION: Amend KRS 311.1911 to extend the coverage of the Uniform Anatomical Gift Act to a fetus that was the subject of an induced abortion.

SB25 - AMENDMENTS

SCS1 - Amend KRS 311.990 to increase certain penalties; create a penalty for selling all or part of a fetus that was the subject of an induced abortion.

SFA1(W. Westerfield) - Make title amendment.

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) _____

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 Cost: The proposed legislation changes several class D felonies related to Abortion making the charges Class C felonies. Under those statutes, the Department of Corrections currently has no one incarcerated. Records show that only 2 people have ever been convicted under those statutes. One case was probated and the other served out of prison in 2006.

The proposed legislation creates a Class C felony for any person who sells or makes charge for all or part of a fetus that was the subject of an induced abortion. As this is a new crime the it is impossible to tell how large an impact this would have. However the impact is expected to be small. 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.

1 Class C Felon sentence is 5 to 10 years.

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1 Class C Felon costs Ky. \$111,489 to \$222,979.

100 Class C Felons cost \$11M to \$22M.

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.

Projected Impact: NONE MINIMAL MODERATE SIGNIFICANT

Creates no new misdemeanor offenses.

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