Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2016 Regular Session

Part I: Measure Information

Bill Request #: 86					
Bill #: SB 284					
Bill Subject/Title: An act relating to possession of child pornography.					
Sponsor: Senator Schroder					
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment					
Office(s) Impacted: local jails; local law enforcement					
Requirement: <u>X</u> Mandatory Optional					
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing					

Part II: Purpose and Mechanics

SB 284 amends KRS 532.043 (Section 1) to include anyone guilty of possession or viewing of child pornography (KRS 531.335) as subject to post-incarceration supervision following release or completion of parole. The period of post-incarceration supervision is five (5) years. Section 2, subsection 3 clarifies that anyone subject to post-incarceration supervision pursuant to Section 1 will have an additional five (5) years of post-incarceration supervision added to the maximum sentence. If an offender violates any provision of post-incarceration supervision they may be reincarcerated for the remainder of the initial sentence and the entire period of post-incarceration supervision, or if the initial sentence has been served, for the remaining period of post-incarceration supervision.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

SB 284 should have minimal impact on local governments.

Possession or viewing of child pornography is a Class D felony. When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 78 full service jails or five

life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.92 per day. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.92 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

SB 284 would require anyone convicted of possession or viewing of child pornography to a period of postincarceration supervision, placing the offender under the purview of the Department of Corrections, thus, under the purview of the state. If the offender violates any provision of his postincarceration supervision, he would likely be sent back to the state institution where he completed his sentence. If the offender was housed in a local jail before being transferred to a state institution, the jail would likely be reimbursed by the Department of Corrections for any costs, thus the impact on local governments should be minimal.

Data Source(s): Kentucky Jailers Association; Kentucky Sheriffs Association
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