

# CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: SB 37 GA

BR #: 435

DOC ID#: BR043500.100 - 435 - 1043

BILL SPONSOR(S): Sen. Bowen AMENDMENT SPONSOR(S):

SUBJECT: .AN ACT relating to crimes and punishments.

**SUMMARY OF LEGISLATION:** Create new sections of KRS Chapter 531 to prohibit a person under 18 years of age from transmitting a nude image of himself, herself, or another person under 18 years of age to another person by computer or electronic means as a violation for the first offense and a Class B misdemeanor for each subsequent offense; provide for juvenile court jurisdiction; prohibit registration as sex offender; prohibit possession of a nude image of a person under 18 years of age as a violation for the first offense and a Class B misdemeanor for each subsequent offense; provide for juvenile court jurisdiction for person under 18 at time of commission of offense and District Court jurisdiction for persons over 18; prohibit registration as sex offender.

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 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 \$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

Creates no new felonies. Section 1 The Department of Corrections consulted with The Department of Juvenile Justice due to the presence of language concerning Juveniles within the bill. There will be no fiscal impact to the Department of Juvenile Justice.

**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.

Potential Impact: Section The proposed legislation creates a Class B Misdemeanor for an adult to be in possession of a nude picture sent by a minor. The numbers below reflect the costs if up to 100 individuals are incarcerated in local facilities across the state.

Based on the \$31.34 per diem rate, the local impact is estimated as follows:

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

10 Class B misdemeanants: up to \$28,703.

1 Class B misdemeanant: up to \$2,870.

100 Class B misdemeanants: up to \$287,025.

**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 Dept of Juvenile Justice

**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:**

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Commissioner, Kentucky Department of Corrections

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Date