

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: SB 60 HCS 1

BR #: 262

DOC ID#: BR026200.100 - 262 - 530

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

SUBJECT: .AN ACT relating to offenses committed in a continuing course of conduct against vulnerable victims.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 501, relating to general principles of liability, to define "offense against a vulnerable victim" and to create a mechanism for charging a person with the commission of an offense against a vulnerable victim in a continuous course of conduct.

SCS1/CI/LM - Add KRS 529.100 and 529.110 to offenses which can be charged in a continuing course of conduct. Add subsection specifying that if a person is convicted of an offense against a vulnerable victim in a continuing course of conduct, that person may not also be convicted of charges based on the individual unlawful acts that were part of the continuing course of conduct.

SFA1(W. Westerfield) - Clarify that applicability of bill is determined by age of victim at the time of the offense.

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 checked="" 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 proposed legislation adds the language "Offense against a vulnerable victim" to several existing laws. During the calendar year 2015, 356 individuals were incarcerated under the offenses listed in the proposed legislation. If an additional 10% of offenders were incarcerated that would add 36 offenders.

A Class D Felony sentence is 1 to 5 years. 1 Class D Felon costs Ky. \$11,866 to \$60,072. 10 Class D Felons cost \$118,660 to \$600,720. 100 Class D Felons cost \$1.2M to \$6M.

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.

A Class B Felony sentence is 10 to 20 years. 1 Class B Felon costs Ky. \$222,979 to \$445,957. 10 Class B Felons cost \$2.2M to \$4.5M. 100 Class B Felons cost \$22M to \$44.5M.

A Class A Felony sentence is 20 years or more. A Class A Felony sentence is 20 years or more. 1 Class A Felon costs Ky. a minimum of \$445,957. 10 Class A Felons cost a minimum of \$4.5M 100 Class A Felons cost a minimum of \$44.5M.

Violent Offenses require the offender to serve 85% of their sentence to release.

Additionally, there would be costs associated with Sex Offender Conditional Discharge (SOCD). SCOD lasts for 5 years upon release from prison. Any offender who violates SOCD returns to prison and serves the remainder of the SOCD time day for day.

Those offenders charged with a sex crime would have to register on the Sex Offender Registry. This duty would fall to law enforcement to complete and maintain.

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

There will be no impact on local governments

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