

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS BILL #: HB 106 Introduced BR #: 845 DOC ID#: BR084500.100 - 845 - XXXX

BILL SPONSOR(S): Rep. Nelson AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to public accommodations.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 12 to require the executive branch of state government to designate every multiple occupancy bathroom or changing facility it controls to only be used by persons based on their biological sex; create a new section of KRS Chapter 65 to require cities, counties, urban-counties, consolidated local government, charter counties, and unified local governments to designate every multiple occupancy bathroom or changing facility it controls to only be used by persons based on their biological sex; create a new section of KRS Chapter 21A to require the Court of Justice to designate every multiple occupancy bathroom or changing facility it controls to only be used by persons based on their biological sex; create a new section of KRS Chapter 160 to require a local board of education to designate every multiple occupancy bathroom or changing facility it controls to only be used by persons based on their biological sex; amend KRS 7.100 to require that the Legislative Research Commission designate every multiple occupancy bathroom or changing facility it controls to only be used by persons based on their biological sex; amend KRS 164A.575 to require governing boards of an institution of higher education to designate every multiple occupancy bathroom or changing facility they control to only used by persons based on their biological sex.

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 checked="" type="checkbox"/> Otherwise impacts incarceration (Explain) <u>Increased facility costs.</u> | |

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$66.82. Most Class D felons are housed in one of 76 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$31.41 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 Department is required to comply with the federal Prison Rape Elimination Act (PREA) of 2003. Under federal PREA standards, there are specific requirements as to placement of transgendered individuals in correctional facilities. To be compliant with the proposed legislation, the facility would have to provide a transgendered individual with his or her own bathroom as biologically the offender may be considered different from the other inmates housed at that facility.

Departmental policy requires that transgender offenders be provided as much privacy as possible without jeopardizing the safety of the offender and the security of facility.

To be complaint with PREA standards and this legislation, each facility would need at least one housing area that would have separate bathroom facilities. This legislation could cost the Kentucky Department of Corrections in construction costs for renovations to housing units. As estimated by the Department's Capital Construction Branch, the minimum estimated cost to the Department to renovate a bathroom and shower area would be \$15,000. In addition to providing a housing unit that meets compliance for each prison facility, separate bathroom facilities would be necessary for the male and female assessment centers. The minimum total estimated cost to renovate one (1) housing unit for each the Department's twelve (12) prisons plus two (2) additional renovated bathroom facilities for the Department's designated male and female intake assessment areas would be \$210,000. Renovations to additional living areas would increase costs significantly.

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

Potential Cost:

To be compliant with the proposed legislation, the facility would have to provide a transgendered individual with his or her own bathroom as biologically the offender may be considered different from the other inmates housed at that facility.

Under federal PREA standards, there are specific requirements as to placement of transgendered individuals in correctional facilities.

Construction or renovation costs to be compliant with PREA and the proposed legislation could be significant, potentially up to tens of thousands of dollars for renovation of multiple living units.

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