

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: HB 38 GA

BR #: 147

DOC ID#: BR014700.100 - 147 - 202

BILL SPONSOR(S): Rep. King

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to sex offender registrants.

SUMMARY OF LEGISLATION: Amend KRS 17.545 to prohibit sex offender registrants from being on the grounds of a publicly owned playground without advance written permission.

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 checked="" 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 \$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 Impact:

This legislation would prohibit sex offender registrants from being present on the grounds of a publicly owned playground without advance written permission. This bill proposes to make sex offenders who are present on a playground without advance written permission guilty of a Class A Misdemeanor for a first offense and a Class D felony for the second or each subsequent offense. Corrections data shows no individuals are currently serving on Registered Sex Offender Residence Restrictions (KRS 017.545[1]). There is one (1) offender under probation supervision for Registered Sex Offender Residence Restrictions (Misdemeanor).

If a sex offender registrant failed to comply with this added requirement, possible costs incurred to the Department would include incarceration, violation proceedings, and costs associated with Probation and Parole Officers who monitor sex offender caseloads. The Department of Corrections Division of Probation and Parole is not responsible for monitoring violations of the sex offender registry.

Although it is not possible to determine how many convictions this legislation would generate, the overall impact is expected to be minimal.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$114,640 to \$573,200

1 Class D Felon costs KY \$11,464 to \$57,320

100 Class D Felons cost \$1.146M to \$5.7M

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:

This legislation would prohibit sex offender registrants from being present on the grounds of a publicly owned playground without advance written permission. This bill proposes to make sex offenders who are present on a playground without advance written permission guilty of a Class A Misdemeanor for a first offense and a Class D felony for the second or each subsequent offense. Data provided by AOC reflects there were 31 convictions for Registered Sex Offender Residence Restrictions in the last three years (CY 2014- CY 2016).

Although it is not possible to determine how many convictions this legislation would generate, the overall local impact is expected to be minimal.

A Class A misdemeanor is 90 days to 1 year in jail

10 Class A misdemeanants: \$28,270 to \$114,640

1 Class A misdemeanant: \$2,827 to \$11,464

100 Class A misdemeanants: \$282,700 to \$1,146,400

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