

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: HB 494 Introduced

BR #: 1639

DOC ID#: BR163900.100 - 1639 - XXXX

BILL SPONSOR(S): Rep. J. Petrie

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to crimes and punishments.

SUMMARY OF LEGISLATION: Amend KRS 17.500 to revise the definition of "criminal offense against a victim who is a minor," "registrant information," and "residence"; amend KRS 17.510 to require registrants to provide palm prints; require persons convicted or required to register in other jurisdictions to register within three working days of relocation; require registrants to inform the appropriate local probation and parole office of travel outside the country; require registrants who move to a new county to register with the appropriate local probation and parole office within three working days; require any changes to a registrant's electronic mail address or any other Internet communication name identity to register the change or new identity within three working days; amend 17.520 to make a technical correction; amend KRS 17.545 to prohibit a sex offender registrant that is 18 years of age or older from having the same residence as a minor; provide an exception if the registrant is the spouse, parent, grandparent, stepparent, sibling, stepsibling, or guardian unless the registrant's parental rights have or are being terminated, the registrant was convicted of any sex crime or criminal offense against the victim who is a minor in which the child of the registrant was the victim, or the registrant has been convicted of a criminal offense against a victim who is a minor; make any registrant who violates the prohibition of living with a minor guilty of a Class A misdemeanor for the first offense and a Class D felony for the second and each subsequent offense; amend KRS 17.546 to revise the definition of "social networking Web site"; amend KRS 17.580 to require the Department of Kentucky State Police to display a registrant's palm prints on their Web site.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|---|--|
| <input checked="" 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

Creates no new felonies.

This legislation requires sex offender registrants to submit palm prints in addition to fingerprints. This would be applicable for all current registrants. The legislation adds comparable crimes committed in other states or jurisdictions (to include the United States Armed Forces) to certain criminal offenses against a minor as determining factors in requiring an offender to register as a sex offender.

Currently there are 8,270 sex offenders on the Kentucky Sex Offender Registry. To date, 3,066 have submitted palm prints.

The legislation modifies the registration period from 5 working days to 3 working days for registrants who have an address change, move to Kentucky, or enter Kentucky for employment or schooling. HB 494 also requires registration at the local Probation & Parole Office at least 21 days before traveling outside of the United States and within 3 working days of return.

The property line of a public owned playground or licensed day care facility is added as a measurement for the 1000 feet residency restriction. Violations of residency restrictions are a Class A misdemeanor for a 1st Offense and Class D felony for a 2nd and Subsequent Offense.

A sex offender registrant would be prohibited from residing with a minor, except if the registrant is a spouse, parent, grandparent, step-parent, sibling, step-sibling, or court appointed guardian, unless the minor was a victim of the registrant. This requirement is not retroactive. Violation would result in a Class A misdemeanor for a 1st Offense and Class D felony for a 2nd and Subsequent Offense.

Additionally, the bill proposes a modification to the registrant prohibitions concerning social networking websites, providing a caveat to allow registrants to use internet websites that involve commercial transactions, are news sources, or are government entities. Violations of web access for registrants is a Class A misdemeanor.

From CY2014-2016, AOC reports 117 convictions for Sex Offender Instant Messaging/Chat Room/Social Network Use, 7 Provide False/Misleading/Incomplete Information for Sex Offender Registration, 34 Registered Sex Offender School Restrictions, 31 Registered Sex Offender Residence Restrictions.

Currently the Department has 6 offenders on supervision for Sex Offender Instant Messaging/Chat Room/Social Network Use, 1 inmate and 2 offenders on supervision for Provide False/Misleading/Incomplete Information for Sex Offender Registration, and 1 offender on supervision for Registered Sex Offender Residence Restrictions.

In addition, there are currently 254 inmates incarcerated for and 280 offenders on supervision for Failure to Comply with Sex Offender Registration. AOC reports 214 convictions for Failure to Comply with the Sex Offender Registry in CY2016.

Although it is not possible to determine how many convictions this legislation would generate, it is not expected to have a significant impact on incarceration costs. Registration modifications would impact Probation & Parole, however.

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 Impact:

This bill includes several misdemeanor penalties, which would require the county jail to be responsible for the incarceration costs. The number of registrants likely to commit violations is unknown, however, the number expected would not have a significant impact on the jails.

A Class A misdemeanor is 90 days to 1 year in jail	10 Class A misdemeanants: \$28,270 to \$114,640
1 Class A misdemeanor: \$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