

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: HB 524 SCS

BR #: 832

DOC ID#: HB052440.100- 832- 6629V

BILL SPONSOR(S): Rep. A. Wuchner, J. Blanton, D. Bentley, M. Cantrell, M. Hart, D. Mayfield, C. Morgan, R. Rothenburger, S. Westrom

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to the prevention of human trafficking.

SUMMARY OF LEGISLATION: Amend KRS 17.500 to include promoting human trafficking involving commercial sexual activity as a criminal offense against a minor if the victim is under 18; amend KRS 156.095 to require public schools to display the National Human Trafficking Reporting Hotline; amend KRS 176.415 to require the Department of Highways to post the hotline number of the National Human Trafficking Resource Center in all rest areas.

SCS - Amend KRS 500.080 to add specific injuries to a child under 12 to the definition of "serious physical injury."

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:

The bill amends KRS 17.500 to include promoting human trafficking involving commercial sexual activity as a criminal offense against a minor if the victim is under 18 at the time of the commission of the offense. According to KRS 529.110, Promoting Human Trafficking is a Class D felony unless the victim of human trafficking is under 18 years of age, in which case it is a Class C felony.

The Department's records currently reflect two offenders incarcerated for Promoting Human Trafficking and no offenders incarcerated for Promoting Human Trafficking Victim under the age of 18 (KRS 529.110). The Department's records do reflect two offenders incarcerated for the offense of Human Trafficking No Serious Physical Injury, Victim under the age of 18 (KRS 529.100). There are currently no offenders incarcerated for Human Trafficking Serious Physical Injury, Victim under the age of 18.

Based on the limited number of offenders convicted for human trafficking, the fiscal impact to the Department would not be significant.

Senate Committee Substitute:

This Senate Committee Substitute adds to the definition of serious physical injury, listing several injuries for a child 12 years of age or younger which would be included in determining serious physical injury as an element of a criminal offense. Under the proposed legislation, some offenses may be subject to increased penalty due to the designation of serious physical injury.

Currently, the Department has 37 offenders incarcerated for and 61 offenders on supervision for Criminal Abuse 1st Degree - Child Age 12 or Under. There are an additional 28 offenders incarcerated for and 92 offenders on supervision for convictions for Criminal Abuse 2nd Degree - Child Age 12 or Under. Additionally, there are four offenders on supervision for convictions of misdemeanor Criminal Abuse 3rd Degree - Child Age 12 or Under.

By lowering the threshold for injuries that could be considered as serious physical injury for children 12 years of age or younger, an increased number of offenders could be charged criminally.

It is not possible to estimate the impact the proposed legislation would have on Corrections. Overall, the additional impact to incarceration under this legislation is expected to be minimal.

A Class C Felony sentence is 5 to 10 years.

10 Class C Felons cost \$1.2M to \$2.4M

1 Class C Felon costs KY \$121,955 to \$243,910

100 Class C Felons cost \$12.2M to \$24.4M

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

Creates no new misdemeanor offenses.

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