Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2017 Regular Session

Part I: Measure Information

Bill Request #: 832
Bill #: HB 524 SCS
Bill Subject/Title: AN ACT relating to the prevention of human trafficking.
Sponsor: Representative Addia K Wuchner
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment
Office(s) Impacted: Law Enforcement
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX_ Adds New Eliminates Existing

Part II: Purpose and Mechanics

Expands the list of criminal offenses against a victim who is a minor to include promoting human trafficking involving commercial sexual activity. Human trafficking is defined in KRS 529.110 as:

A person is guilty of promoting human trafficking when the person intentionally:

- (a) Benefits financially or receives anything of value from knowing participation in human trafficking; or
- (b) Recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, knowing that the person will be subject to human trafficking.

HB 524 SCS retains the major provisions of the measure as introduced and **e**xpands the definition of "serious physical injury" to include a number of injuries specific to children age 12 or less.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The local impact off HB 524 SCS on local governments is expected to be minimal.

Promoting human trafficking when the victim is under the age of 18 is a Class C felony. Additionally, the offender would be required to register as a sex offender. Once on the register, the offender would be:

- Prohibited from residing in certain areas and being present on school grounds, punishable as a Class A misdemeanor for the first offense, Class D felony for subsequent offenses. (KRS 17.545)
- Prohibited from using social networking web sites, instant messaging, or chat room programs; nor shall the offender photograph, film, or video a minor without the consent of the minor's parent or guardian. Punishable as a Class A misdemeanor.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

Data Source(s): LRC staff, Department of Corrections