

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: SB 5 GA

BR #: 822

DOC ID#: BR082200.100 - 822 - XXXX

BILL SPONSOR(S): Sen. Smith, Westerfield, Carroll

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to abortion and declaring an emergency.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 311 to prohibit an abortion when the probable post-fertilization age of the unborn child is 20 weeks or greater; create an affirmative defense if the probable post-fertilization age was less than 20 weeks or if a medical emergency; require a determination of the unborn child's probable post-fertilization age prior to performing an abortion; allow for civil relief; create the Kentucky pain-capable unborn child protection litigation fund; allow for severability; amend KRS 311.595 to allow the Kentucky Board of Medical Licensure to suspend or revoke the license of any physician for violations; amend KRS 311.990 to establish a criminal penalty for violations; amend KRS 213.101 to expand the statistical reporting system for abortions; amend KRS 413.140 to provide a one-year statute of limitation for civil actions arising from violations; EMERGENCY.

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 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:

Section 8 of this legislation amends KRS 311.990 to provide a penalty of a Class D felony for intentional violation of Section 2 of the Act and a Class B misdemeanor for violation of subsection (1) of Section 3 of the Act.

Current AOC data reports there are no convictions for Convicted of Performing Abortion After Viability or related KRS 311 statutes. The Department of Corrections does not currently have any offenders incarcerated or on supervision for criminal offenses relating to abortion.

While there is no way to predict the number of new state prisoners this provision would generate, it is expected the impact to the Department would 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 Impact:

In addition to the added Class B misdemeanor violation under KRS 311.990 in Section 8 of the legislation, Section 9 of the legislation expands the reporting requirements in KRS Chapter 213.101 and imposes a fine for failure to submit annual reports in

the timeframe outlined and creates a Class A misdemeanor penalty for intentional falsification of any report required under the section.

While the number of possible misdemeanor offenses this legislation would produce is unknown, the expected impact to local jail facilities would 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 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