

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 110 Introduced

BR #: 421

DOC ID#: BR042100.100 - 421 - XXXX

BILL SPONSOR(S): Rep. J. DuPlessis **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to the exploitation of adults.

SUMMARY OF LEGISLATION: Amend KRS 209.020 to change the definition of "exploitation" to include obtaining or using controlled substances prescribed to a vulnerable adult or a member of the adult's household; amend KRS 209.990 to create a Class C felony for that form of exploitation.

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 \$70.12. 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 \$31.45 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 MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

HB 110 modifies the definition of exploitation in KRS 209.020 to include obtaining or using one (1) or more controlled substances prescribed to an adult or a member of the household with the intent to deprive the individual of the medication. A caretaker who exploits an adult in such a manner is guilty of a Class C felony.

Offenders with a Class C conviction will serve their sentence in a prison facility at a cost to incarcerate of \$70.12 per day. Certain Class C offenders may meet the criteria to be housed at a county jail at a lower incarceration cost depending on classification and length of sentence.

Currently there are 58 offenders currently incarcerated and 153 offenders on supervision for similar Class C felony offenses under KRS 209.990. AOC records indicate 27 convictions for a Class C felony of Knowingly Abuse, Neglect, or Exploit an Adult in FY2017 (including Complicity).

It is not possible to predict the number of offenders who would exploit an adult by depriving them of medication. The overall number of offenders anticipated under this proposal could be significant when considering the number of individuals with substance abuse issues. For example, the Department currently has 153 offenders incarcerated and 601 offenders on supervision for Possession of Controlled Substance - Opiates. Additionally AOC reports 22 convictions for Theft of a Legend Drug and 80 convictions for Theft of Controlled Substance statewide in FY2017.

While there would be a limited number of offenders exploiting an adult to gain access to controlled substances, the associated incarceration costs incurred are those of a Class C felony.

A Class C Felony sentence is 5 to 10 years.	10 Class C Felons cost KY \$1.3M to \$2.6M
1 Class C Felon costs KY \$127,972 to \$255,944	100 Class C Felons cost KY \$12.8M to \$25.6M

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 MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

There would be minimal to no impact to local corrections under this legislation. Some Class C offenders convicted under KRS 209.990 may qualify for housing in a county jail. A Class C offender must be within 18 months of the parole eligibility date and meet community custody classification requirements in order to be housed at a county jail.

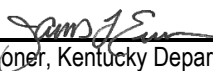
It is not known how many additional offenders would be convicted of knowingly obtaining or using controlled substance to exploit an individual, however, the impact to revenue or jail space for local governments is not likely to be significant.

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. The Department of Corrections and local jails continue to operate over capacity. Without steps to reduce the population, any legislation that increases population or lengthens the term of incarceration will have a significant impact on correctional operations.

APPROVED BY:



Commissioner, Kentucky Department of Corrections

1/10/2018

Date