

**COMMONWEALTH OF KENTUCKY STATE FISCAL NOTE STATEMENT
LEGISLATIVE RESEARCH COMMISSION
2018 REGULAR SESSION**

MEASURE

2018 BR NUMBER **0421**

HOUSE BILL NUMBER **110**

RESOLUTION NUMBER _____

AMENDMENT NUMBER _____

SUBJECT/TITLE **An ACT relating to the exploitation of adults.**

SPONSOR **Representative DuPlessis**

NOTE SUMMARY

FISCAL ANALYSIS: IMPACT NO IMPACT INDETERMINABLE IMPACT

LEVEL(S) OF IMPACT: STATE LOCAL FEDERAL

BUDGET UNIT(S) IMPACT: **Department of Corrections**

FUND(S) IMPACT: GENERAL ROAD FEDERAL RESTRICTED AGENCY _____ OTHER

FISCAL SUMMARY

| FISCAL ESTIMATES | 2017-2018 | 2018-2019 | 2019-2020 | ANNUAL IMPACT AT FULL IMPLEMENTATION |
|-------------------------|------------------|------------------|------------------|---|
| REVENUES | | | | |
| EXPENDITURES | | Indeterminable | Indeterminable | Indeterminable |
| NET EFFECT | | (Indeterminable) | (Indeterminable) | (Indeterminable) |

() indicates a decrease/negative

MEASURE'S PURPOSE: HB 110 addresses the exploitation of adults by caretakers in regards to obtaining and using controlled substances and establishes a Class C felony for violating these provisions.

PROVISIONS/MECHANICS: In Section 1, KRS 209.020 (9) is amended to expand the definition of "exploitation" to include obtaining or using one or more controlled substances prescribed to an adult or any member of the adult's household with intent to deprive the person of the controlled substance. In Section 2, KRS 209.990 (8) is added to specify that a caretaker who exploits an adult, as outlined in the amendment from Section 1, is guilty of a Class C felony.

FISCAL EXPLANATION: HB 110 is not expected to have a fiscal impact on the Cabinet for Health and Family Services. The Department for Community Based Services' (DCBS) current interpretation of KRS 209.020(9), "exploitation", and KRS 209.020(16), "neglect", allows for the provision of adult protective services in situations in which an "adult" as defined in KRS 209.020(4) is being deprived of the resources necessary to maintain the health and welfare of the adult. The deprivation or theft of one or more controlled substances is viewed as property or

goods respectively and is routinely assigned for adult protective service investigation. The specificity offered in HB 110 addressing controlled substances as a unique form of "exploitation" would not add to the existing DCBS workload, because such behavior is an already recognized form of mistreatment investigated by statewide adult protective services investigative teams.

The creation of a new Class C felony crime means the Department of Corrections (DOC) will bear the increased cost of incarcerating a larger inmate population. While it is impossible to know the number of offenders who will be convicted of these provisions, below is a summary of expenditures associated with incarcerating Class C offenders based on an average daily rate of \$70.12 per inmate (\$25,600 annually).

| Number of Class C Offenders | Sentence Length (Years) | | | Estimated Cost to Incarcerate | | |
|-----------------------------|-------------------------|----|----|-------------------------------|----|--------------|
| | 5 | to | 10 | | to | |
| 1 | 5 | to | 10 | \$127,972 | to | \$1,279,722 |
| 10 | 5 | to | 10 | \$1,279,722 | to | \$2,559,444 |
| 100 | 5 | to | 10 | \$12,797,220 | to | \$25,594,440 |

It is possible that some of these offenders may be eligible to be housed in a county jail at a cost to the DOC of \$31.45 per inmate per day (\$11,500 annually). Assuming all offenders will be housed in a county jail, the potential costs would be:

| Number of Class C Offenders | Sentence Length (Years) | | | Estimated Cost to Incarcerate | | |
|-----------------------------|-------------------------|----|----|-------------------------------|----|-------------|
| | 5 | to | 10 | | to | |
| 1 | 5 | to | 10 | \$11,481 | to | \$57,404 |
| 10 | 5 | to | 10 | \$114,808 | to | \$574,040 |
| 100 | 5 | to | 10 | \$1,148,080 | to | \$5,740,400 |

DATA SOURCE(S): Cabinet for Health and Family Services
PREPARER: Jake Fouts, Savannah Wiley, and Zach Ireland **NOTE NUMBER:** 115 **REVIEW:**
JAB DATE: 2/21/2018