

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 110 HCS 1

BR #: 421

DOC ID#: HB011030.100 - 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.

House Committee Substitute:

The House Committee Substitute provides some changes to this bill. Under KRS 514.010, definitions for caregiver, dosage unit, and vulnerable adult are added. A vulnerable adult is defined as an adult requiring assistance due to mental or physical dysfunctions or an adult age seventy-five (75) or older. The House Committee Substitute also adds a specific type of theft to KRS 514.030 for theft of a controlled substance from a vulnerable adult for which the offender is the caretaker, another person in that vulnerable adult's household who has reached age seventy-five (75), or a person with mental or physical dysfunctions. This theft would be a Class D felony for fewer than five (5) dosage units for a first offense, or a Class C felony for a second or subsequent offense, or a Class C felony for five (5) or more dosage units.

The amount of offenders generated under this legislation is unknown, but it is assumed that amounts would be in line with similar offenses such as Theft of a Legend Drug or Theft of a Controlled Substance.

