

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 454 SCS 1

BR #: 454

DOC ID#: HB045440.100 - 1140 - XXXX

BILL SPONSOR(S): Rep. A. Wuchner, J. Fischer, L. Bechler, D. Bentley, M. Castlen, J. DuPlessis, D. Elliott, C. Fugate, R. Goforth, M. Hart, K. King, S. Lee, D. Meade, J. Miller, R. Mills, T. Moore, P. Pratt, M. Prunty, B. Reed, R. Rothenburger, W. Thomas, J. Tipton

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to the human rights of unborn children and declaring an emergency.

SUMMARY OF LEGISLATION: Create a new section of KRS 311.710 to 311.820 to prohibit an abortion on a pregnant woman that will result in the bodily dismemberment, crushing, or human vivisection of the unborn child when the probable post-fertilization age of the unborn child is 11 weeks or greater, except in the case of a medical emergency; amend KRS 311.990 to provide that a person who violates the prohibition is guilty of a Class D felony; 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 \$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)

The legislation creates a Class D felony offense for an intentional performance or attempt to perform or induce an abortion that will result in the bodily dismemberment, crushing, or human vivisection of the unborn child and if the probable post-fertilization age of the unborn child is eleven (11) weeks or greater. There is an exception for pregnant women on whom an abortion is performed or attempted to be performed.

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 convictions this provision would generate, it is expected the impact to the Department would be minimal.

Senate Committee Substitute:

The Senate Committee Substitute adds a definition of an unborn child as provided in KRS 311.781.

There is no impact to the Department of Corrections based on the Senate Committee Substitute.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost KY \$114,808 to \$574,040

1 Class D Felon costs KY \$11,481 to \$57,404

100 Class D Felons cost KY \$1.1M 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 MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

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:



Deputy Commissioner, Kentucky Department of Corrections

3/26/2018

Date