

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 514 Introduced

BR #: 1146

DOC ID#: BR114600.100 - 1146 - XXXX

BILL SPONSOR(S): Rep. K. Imes **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to telecommunications.

SUMMARY OF LEGISLATION: Amend KRS 367.46955 to prohibit telephone solicitation using deceptive caller identification information.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|---|--|
| <input 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 checked="" 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)

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)

HB 514 amends KRS 367.46955 to add an additional prohibition for telephone solicitation using deceptive caller identification information. Telephone solicitation using misleading or incorrect caller identification information when placing an unsolicited telephone solicitation call would be prohibited.

KRS 367.46999 establishes the penalty for violations under KRS 367.46955. A telemarketer or salesperson who knowingly violates this provision or engages in a course of business which operates or would operate as fraud or deceit shall be guilty of a Class B misdemeanor for the first offense and a Class A misdemeanor for any subsequent offense.

Currently the Department does not have any offenders incarcerated or on supervision for these offenses. AOC records do not reflect any charges or convictions for KRS 367.46955 in FY2015-2017.

It is unknown how many misdemeanor convictions would occur under this legislation, however, it is expected that the impact to incarceration at the local level would be minimal.

A Class B misdemeanor is up to 90 days in jail.	10 Class B misdemeanants: up to \$28,206
1 Class B misdemeanant: up to \$2,821	100 Class B misdemeanants: up to \$282,060
A Class A misdemeanor is 90 days to 1 year in jail	10 Class A misdemeanants: \$28,206 to \$114,391
1 Class A misdemeanant: \$2,821 to \$11,439	100 Class A misdemeanants: \$282,060 to \$1,143,910

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

3/9/2018

Date