

# CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: SB 181 SCS 1

BR #: 1764

DOC ID#: SB018140.100 - 1764 - XXXX

**BILL SPONSOR(S):** Sen. D. Carroll      **AMENDMENT SPONSOR(S):**

**SUBJECT:** AN ACT relating to sex offender registrants.

**SUMMARY OF LEGISLATION:** Amend KRS 17.500 to revise the definition of "criminal offense against a victim who is a minor" and "registrant information"; amend KRS 17.510 to require registrants to provide palm prints, motor vehicle operator's license numbers, government issued identification card numbers, and home and cellular telephone numbers; require registrants to inform the appropriate local probation and parole office of travel outside the country; amend 17.520 to make a technical correction; amend KRS 17.580 to conform.

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)

The legislation adds comparable crimes committed in other states or jurisdictions (to include the United States Armed Forces) to certain criminal offenses against a minor as determining factors in requiring an offender to register as a sex offender. A registering offense is modified to include conviction in a court of the United States or a court martial by the United States Armed Forces.

Palm prints, driver's license or any other government issued identification number, home and cell telephone numbers are added as sex offender registrant information. Registrants shall update information within five (5) working days after the change.

Information about electronic mail address, instant messaging, chat, or other internet communication names is removed.

Currently there are 8,270 sex offenders on the Kentucky Sex Offender Registry. To date, 4,316 have submitted palm prints.

The bill requires registration at the local Probation & Parole Office at least twenty-one (21) days before traveling outside of the United States and within five (5) working days of return. Required information includes passport number, dates of travel and return, and itinerary.

Failure to appropriately register or providing false/misleading/incomplete information with the sex offender registry is a Class D felony for the first offense and a Class C felony for each subsequent offense.

There are currently 253 offenders in custody and 307 offenders on supervision for KRS 17.510 Sex Offender Registration, Failure to Comply, or Providing False/Misleading/Incomplete information. AOC indicates 181 convictions for KRS 17.510 Failure to Comply with Sex Offender Registration from Circuit Court in FY 2017 (including inchoate offenses).

Although it is not possible to determine how many convictions this legislation would generate, due to the specific areas of the sex offender registry included under this legislation, it is not expected to be a specific number.

Registration modifications would have an impact on Probation & Parole, specifically surrounding the resources involved in the collection of palm prints.

Senate Committee Substitute:

Under the Committee Substitute, registrants would not have to provide home and cellular telephone numbers.

There is no impact to the Department under the Senate Committee Substitute.

**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:**

  
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Commissioner, Kentucky Department of Corrections

**3/19/2018**

Date