Local Government Mandate Statement Kentucky Legislative Research Commission 2018 Regular Session

Part I: Measure Information

Bill Request #: 105
Bill #: SB 19 GA
Document ID #: 6471
Bill Subject/Title: An ACT relating to sex offenses.
Sponsor: Sen. Danny Carroll
Unit of Government: X City X County Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Law enforcement; jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 19 GA amends KRS 510.050, 510.060, 510.080, 510.090, 510.110, and 510.120 and 510.020 to increase penalties for sex crimes against a victim who is a person who is "incapable of consent" because he or she is "an individual with an intellectual disability" or "unable to communicate consent or lack of consent, or unable to understand the nature of the at or its consequences due to an intellectual disability or a mental illness".

The fiscal impact of SB 19 GA is indeterminate and minimal. There will be some small increase in arrests and Class C and D felony prosecutions and convictions associated with these crimes. Jail costs for Class C and D felonies are identified below:

Class D and Class C felons:

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing

inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.

Part III: Differences to Local Government Mandate Statement from Prior Versions

SB 19 GA makes no changes to SB 19 SCS. The GA version of the bill passed the Senate with the SCS and no additional floor amendments.

The change made to SB 19 by SB 19 SCS does not materially change the fiscal impact statement. SB 19 SCS retains the provisions of SB 19 and adds a Section 7 amending KRS 510.020 defining to define a person incapable of consent as one who is "unable to communicate consent or lack of consent, or unable to understand the nature of the at or its consequences due to an intellectual disability or a mental illness".

Data Source(s): Kentucky Jailers Association; Kentucky Sheriffs Association; Kentucky Association of Chiefs of Police