

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 103 Prefiled BR # 200 DOC ID #: XXXX

BILL SPONSOR(S): Rep. L. Bechler AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to child abuse and declaring an emergency.

SUMMARY OF LEGISLATION: Amend KRS 620.030, relating to the requirement to report child abuse, to delete the clergy-penitent exemption and make any person who intentionally fails to report guilty of a Class D felony; amend KRS 620.050, relating to the reporting of child abuse, to delete the clergy-penitent exemption; provide for severability; EMERGENCY.

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) . | |
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STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$71.10. 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 \$32.78 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 MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

This legislation amends KRS 620.030 by removing the misdemeanor penalty for failing to report child abuse. Current statute is a Class B misdemeanor for the 1st Offense, Class A misdemeanor for the 2nd Offense, and a Class D felony for each Subsequent Offense.

The clergy privilege is removed from KRS 620.030 and KRS 620.050. KRS 620.050 is Knowingly Report Child Abuse Falsely.

Restrictions under KRS 6.945(1) shall not apply to this legislation. Provisions are made for severability and emergency enactment.

AOC records for FY2018 report three (3) convictions from Circuit Court and six (6) convictions from District Court for KRS 620.030 Failure to Report Child Neglect/Abuse 1ST Offense. Department of Corrections has zero (0) offenders incarcerated for this offense and one (1) offender on probation for the misdemeanor offense of Failure to Report Child Neglect/Abuse 1ST Offense.

With the removal of the misdemeanor level offenses under KRS 620.030, there would be an increase in felony convictions under this legislation. However, the number of convictions stemming from this offense are not expected to be significant.

A Class D Felony sentence is 1 to 5 years. 10 Class D Felons cost KY \$119,649 to \$598,244

1 Class D Felon costs KY \$11,965 to \$59,824

100 Class D Felons cost KY \$1.2M to \$6M

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 MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

Offenders convicted under this legislation would be a Class D felon housed in a county jail as a state inmate, at a cost to the state of \$31.34 per day to the local jail.


This provides additional revenue for jails. However, in times of current overcrowding any additional incarceration has an impact on the occupancy of jail beds.

Based on the number of offenders convicted under KRS 620.030, the impact to local incarceration under this legislation is not expected to be significant.

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:  1/7/2019
Commissioner, Kentucky Department of Corrections Date