

## CORRECTIONS IMPACT STATEMENT

**SESSION:** 19RS **BILL #** HB 143 **Introduced . BR #** 187 **DOC ID #:** xxxx

**BILL SPONSOR(S):** Rep. D. Elliott **AMENDMENT SPONSOR(S):** . .

**SUBJECT:** AN ACT relating to abuse of a corpse.

**SUMMARY OF LEGISLATION:** Amend KRS 525.120 to provide that in all cases the penalty for abuse of a corpse is a Class D felony.

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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 checked="" 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) .        |  |

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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)

HB 143 amends the penalty for Abuse of a Corpse under KRS 525.120. Current statute maintains Abuse of a Corpse as a Class A misdemeanor, unless the offense involved sexual intercourse or deviate sexual intercourse (attempted or committed) or the deliberate failure to prepare, bury, or cremate a corpse after receiving payment, in which it is a Class D felony. Under the proposed legislation, the Class A misdemeanor is removed, making any abuse of a corpse a Class D felony.

As a Class D offender, offenders subject to this offense would serve their sentence in a county jail at a cost to the state of \$31.34 per day.

AOC records for FY2016-2018 indicate a total of thirty-five (35) convictions for Abuse of a Corpse (includes inchoate offenses).

Currently the Department has four (4) offenders incarcerated for Abuse of a Corpse. One (1) felony offender and two (2) misdemeanor offenders are on supervision for this offense. (Note: offenders may be incarcerated on other charges.)

While this proposed legislation increases a penalty from a misdemeanor to a felony, the number of offenders likely convicted of abuse of a corpse is expected to remain minimal.

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)

Under current statute, a number of convictions for Abuse of a Corpse are at the misdemeanor level. Misdemeanors are subject to the jurisdiction and cost of the county. Under this legislation, the cost for this offense would shift from the county to the state.

Under the proposed legislation, offenders would be Class D felons housed in a county jail as a state inmate. This provides additional revenue for jails.

The number of offenders incarcerated for this offense is not expected to change under this legislation. As such, and due to the limited number of convictions under this statute, there is minimal impact to the county under the proposed legislation.

A Class A misdemeanor is 90 days to 1 year in jail.	10 Class A misdemeanants: \$28,206 to \$114,391
1 Class A misdemeanor: \$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:**  **2/4/2019**  
Commissioner, Kentucky Department of Corrections Date