Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: BR 1153
Bill #: HB 298
Document ID #: 2385
Bill Subject/Title: AN ACT relating to the sexual exploitation of minors.
Sponsor: Jason Petrie
Unit of Government: x City x County x Urban-County Unified Local x Charter County x Consolidated Local x Government
Office(s) Impacted: Local law enforcement and jails
Requirement: x Mandatory Optional
Effect on Powers & Duties: x Modifies Existing Adds New Eliminates Existing

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

The fiscal impact of HB 298 is indeterminate and minimal. HB 298 amends KRS 531.335 to make it a Class D felony to possess or view matter portraying sexual performance by a minor portrayed as less than 18 years of age at the time of performance, and to make it a Class C felony if the minor portrayed is less than 12 years of age. Thus, there may be some increase in Class C and D felony convictions and incarcerations. The costs associated with Class C and D felony incarcerations are described below.

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 four 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 four 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

Part II, above, pertains to the bill as drafted. There is no prior version of the bill to complete Part III.

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

Preparer: H. Marks Reviewer: KHC Date: 2/12/19