

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 353 Introduced BR # 1790 DOC ID #: xxxx

BILL SPONSOR(S): Rep. B. Wheatley AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to assault in the third degree.

SUMMARY OF LEGISLATION: Amend KRS 508.025 to add firefighters to the subsection criminalizing intentionally causing person to come into contact with bodily fluids.

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)

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)

HB 353 amends KRS 508.025 by adding firefighters to the criminal penalty incurred for intentionally causing an individual to come into contact with bodily fluids. Bodily fluids include saliva, vomit, mucus, blood, seminal fluid, urine, or feces.

This offense is a Class B misdemeanor unless the bodily fluid is from an individual who knows that he or she has a serious communicable disease and competent medical or epidemiological evidence demonstrates that the specific type of contact is likely to cause transmission of the disease, in which case it is a Class A misdemeanor.

Misdemeanors are subject to the jurisdiction and cost of the county.

Currently Department of Corrections records indicate 1,531 offenders incarcerated or on supervision for convictions under KRS 508.025. (Note: offenders may be incarcerated on other charges.) Under Department of Corrections records it is not possible to separate out offenses specific to bodily fluids.

AOC records indicate a total of 612 convictions for Assault 3rd Degree in FY2018, none of which were specific to Communicable or Non-Communicable Bodily Fluid.

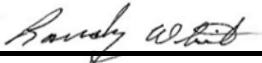
It is not known how many additional convictions will be incurred by the addition of firefighters to KRS 508.025. Overall, however, the impact to local incarceration is expected to be minimal.

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|---|---|
| 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 |
| A Class B misdemeanor is up to 90 days in jail. | 10 Class B misdemeanants: up to \$28,206 |
| 1 Class B misdemeanor: up to \$2,821 | 100 Class B misdemeanants: up to \$282,060 |

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:  2/19/2019
Deputy Commissioner, Kentucky Department of Corrections Date