Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #:281	
Bill #: SB 102 GA	
Document ID #: 4648	
Bill Subject/Title: AN ACT relating to crimes and punishments.	
Sponsor: Senator Whitney Westerfield	
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: <u>x</u> 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 SB 102 GA is indeterminate and minimal. SB 102 GA defines "child sex doll" and "traffic" and makes it a Class D felony to possess a child sex doll and a Class C felony to knowingly traffic a child sex doll. The Act also makes it a Class C felony to import (as "import" is defined) a child sex doll. SB 102 GA creates a new section of KRS Chapter 531.310 to 531.370 to prohibit the advancing of child sex dolls (as defined) and makes advancing of child sex dolls a Class C felony. As four new felony crimes are created by SB 102 GA there will be some increase in Class C and D felony convictions and incarcerations. The costs associated with Class D and C 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

SB 102 GA adopted SB 102 SCS with no floor amendments. Part II above and **the fiscal impact remain the same**. SB 102 SCS retained the original provisions of SB 102 and made the "advancing of Child sex dolls" (as defined) a Class C felony.

Preparer: H. Marks

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

KHC

Date:

2/22/19

Reviewer: