

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # SB 102 SCS 1 BR # 281 DOC ID #: SB010240.100 - 281 - XXXX

BILL SPONSOR(S): Sen. W. Westerfield, D. Carroll AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to crimes and punishments.

SUMMARY OF LEGISLATION: Amend KRS 531.300 to add definitions for "child sex doll" and "traffic"; create new sections of KRS Chapter 531 to prohibit the possession of a child sex doll, the trafficking of a child sex doll, and the importing of a child sex doll; amend KRS 531.340 to conform.

AMENDMENT: Amend the definition of "child sex doll"; create a new section of KRS Chapter 531 to prohibit the advancing of child sex dolls.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input checked="" 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 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)

SB 102 establishes criminal penalties related to child sex dolls. A definition of a child sex doll and trafficking is added to KRS 531.300. A statutory reference in KRS 531.340 is modified to conform.

Possession of a child sex doll is a Class D felony.

Trafficking of a child sex doll is a Class C felony.

Importing a child sex doll is a Class C felony.

This offense would not be designated as a sex crime under KRS 17.500(8)(a).

Class D and Community Custody Class C offenders would serve their sentence in a county jail at a cost to the state of \$31.34 per day to the local jail.

Class C offenders not community custody eligible would be housed at a state prison at a cost of \$71.10 per day.

It is unknown how many convictions would be generated under SB 102, though the numbers would not be expected to be significant.

For comparison purposes, the Department of Corrections currently has one (1) offender on supervision for KRS 531.020 Distribution of Obscene Matter. AOC records indicate six (6) convictions for Distribution of Obscene Matter in FY2018.

The impact to state incarceration under SB 102 would be estimated as minimal.

Senate Committee Substitute:

The Senate Committee Substitute amends the definition of child sex doll by removing the requirement that the doll be anatomically correct. The Committee Substitute also establishes an additional Class C felony which prohibits the advancing of child sex dolls by knowingly procuring or soliciting patrons for a child sex doll or providing the premises for the use of a child sex doll.

The Senate Committee Substitute provides an additional Class C felony. However, the number of convictions generated for this offense is likely to be minimal.

The impact to state incarceration under the bill overall likely remains as minimal.

A Class C Felony sentence is 5 to 10 years.
1 Class C Felon costs KY \$129,753 to \$259,506

10 Class C Felons cost KY \$1.3M to \$2.6M
100 Class D Felons cost KY \$1.2M to \$6M

A Class D Felony sentence is 1 to 5 years.
1 Class D Felon costs KY \$11,965 to \$59,824

10 Class D Felons cost KY \$119,649 to \$598,244
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)

A number of Class C offenders under this legislation may be eligible for housing at a county jail facility. Class D offenders would be housed at a county jail as a state inmate.

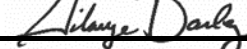
Due to limited capacity, any number of additional offenders does impact local jail populations. However, the convictions expected under this legislation would likely be few in number.

Overall, the impact to local incarceration under this bill is negligible.

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: 
Deputy Commissioner, Kentucky Department of Corrections

2/18/2019
Date