

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # SB 240 Introduced . BR # 1159 DOC ID #: xxxx

BILL SPONSOR(S): Sen. W. Schroder AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to the dissemination of personally identifying information.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 525 to create a new felony of disseminating personally identifying information on the Internet about a minor.

AMENDMENT: .

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

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| <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 240 establishes a criminal offense for disseminating personally identifying information about a minor, with the intent to intimidate, abuse, threaten, harass, or frighten the individual. The offense includes intentionally disseminating personally identifying information of the minor or the minor's immediate family or household, and that the dissemination of information places the minor in reasonable fear of physical injury.

Dissemination, for this offense, means electronically publishing or posting. Personally identifying information is defined as information that can be used for identification, to include: names, identification number, date of birth, address, telephone number, email address, financial account information, health information, or school/employment locations.

Disseminating personally identifying information about a minor is established as a Class D felony. If the dissemination results in monetary loss or physical injury to the minor, it is a Class C felony. If the dissemination results in the minor's death, it is a Class B felony.

The level of felony incurred would indicate the associated incarceration costs. An offender subject to housing at a state prison facility would cost \$71.10 per day.

For comparison purposes, a similar offense may be Class B misdemeanor Harassing Communications. The Department of Corrections currently has fifteen (15) offenders on supervision for Harassing Communications. AOC records indicate 629 Harassing Communications convictions in FY2018.

It is not known how many of these convictions may hold circumstances similar to those outlined by this bill.

It is not possible to predict how many offenses would be incurred under SB 240. Overall, the impact from this bill would be expected to be minimal to moderate.

