

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 183 Introduced BR # 1146 DOC ID #: xxxx

BILL SPONSOR(S): Rep. S. Miles AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to human trafficking.

SUMMARY OF LEGISLATION: Amend KRS 17.500 to add a felony offense of KRS 529.100 or 529.110 involving commercial sexual activity to the definition of "sex crime"; create a new section of KRS Chapter 183 to require airports to post the hotline number of the National Human Trafficking Resource Center in all restrooms; create a new section of KRS Chapter 281 to require truck stops to post the hotline number of the National Human Trafficking Resource Center in all restrooms.

AMENDMENT: .

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 checked="" 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 \$75.91. Community Custody Class C and most Class D felons are housed in one of 77 full service jails for up to 5 years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$36.70 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included). *Projections are based on the daily rate x 365 days x number of years. Offenders may have multiple offenses or incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The legislation amends KRS 17.500 to include human trafficking involving commercial sexual activity and promoting human trafficking involving commercial sexual activity as sex crime.

KRS 529.100, Human Trafficking, is a Class C felony unless it involves serious physical injury or the victim is under 18 years of age, in which case it may be a Class B or A felony.

Under KRS 529.110, Promoting Human Trafficking is a Class D felony unless the victim of human trafficking is under 18 years of age, in which case it is a Class C felony.

As an offense designated as a sex crime, under KRS 532.100, sentences of two (2) or more years would be required to be housed at a state prison facility at a cost of \$75.91 per day. As a sex crime, these offenses would be required to comply with the sex offender registry and complete sex offender treatment. Currently, under KRS 532.043, only Human Trafficking involving commercial sexual activity is subject to sex offender postincarceration supervision.

The legislation requires information about human trafficking to be posted in airports and truck stops.

AOC records for FY2019 indicate one (1) conviction for Class C Human Trafficking, one (1) conviction for Class B Human Trafficking with a Victim under the age 18, and eleven (11) convictions for Class C Promoting Human Trafficking Victim under the Age of 18.

The Department's records currently reflect one (1) offenders incarcerated for Class D Promoting Human Trafficking and three (3) inmates for Class C Promoting Human Trafficking Victim under the age of 18 (KRS 529.110). There is one (1) inmate with a conviction for Class C Human Trafficking No Serious Physical Injury, and five (5) inmates for the offense

Class B offense of Human Trafficking Victim under the age of 18 (KRS 529.100). There are currently no offenders incarcerated for Human Trafficking Serious Physical Injury, Victim under the age of 18. Currently there is one (1) community supervision offender for the Class C offense of Human Trafficking, one (1) offender for Class D Promoting Human Trafficking, and one (1) offender for the Class C Promoting Human Trafficking Victim under the age of 18.

Based on the limited number of offenders convicted for human trafficking, the fiscal impact to the Department would not be significant.

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. Since the per diem is an estimated average cost of housing an inmate, the per diem may not be the actual housing cost for the jail. *Projections are based on the daily rate x 365 days x number of years. Offenders may have multiple offenses or incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

Under current statute Class D Promoting Human Trafficking offenders would serve their sentence in a local detention center at a cost to the state of \$36.70, with \$31.34 provided to the jail for per diem. As a sex crime under the legislation, only Promoting Human Trafficking offenders with a sentence of less than two (2) years would be housed at a detention facility. As such, the jails could see a reduction of offenders qualified for housing at their facilities.

However, given the small number of offenders convicted of this offense, the impact for local incarceration would be minimal.

Projected Corrections Impact from Amendments:

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: Karen M. Keagy **1/21/2020**
Commissioner, Kentucky Department of Corrections Date