

# CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 204 GA 1 BR # 473 DOC ID #: xxxx

BILL SPONSOR(S): Rep. S. Maddox, M. Hart, K. King AMENDMENT SPONSOR(S): Rep. S. Maddox

TITLE: AN ACT relating to sex offender registrants.

**SUMMARY OF LEGISLATION:** Amend KRS 17.545 to prohibit sex offender registrants from living within 1,000 feet of a publicly leased playground and from being on the grounds of a publicly leased playground.

**AMENDMENT:** Clarify that all sex offender registrants, and not just those who have committed a criminal offense against a victim who is a minor, are prohibited from living within 1,000 feet of a publicly leased playground and from being on the grounds of a publicly leased playground.

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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 \$75.91. Community Custody Class C and most Class D felons are housed in one of seventy-seven (77) full service or regional jails for up to five (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)

This legislation would prohibit sex offender registrants with a minor victim from living within 1,000 feet of a publicly leased playground and from being on the grounds of a publically leased playground under KRS 17.545. The prohibition would not be retroactive and applicable only to convictions after the effective date of the legislation.

The residency prohibition would be subject to a Class A Misdemeanor for a first offense and a Class D felony for the second or each subsequent offense. The prohibition for being on the grounds of the leased playground would be subject to a Class A misdemeanor under KRS 17.990.

Corrections data shows no individuals are currently serving on Registered Sex Offender Residence Restrictions under KRS 17.545. There are two (2) offenders on supervision for Register Sex Offender School Restrictions and one (1) offender under probation supervision for Registered Sex Offender Residence Restrictions (Misdemeanor).

If a sex offender registrant failed to comply with this added requirement, possible costs incurred to the Department would include incarceration, violation proceedings, and costs associated with Probation and Parole Officers who monitor sex offender caseloads. The Department of Corrections Division of Probation and Parole does not monitor violations of the sex offender registry.

Kentucky State Police does not expect a significant impact to the Kentucky State Police Sex Offender Registry stemming from the legislation.

Offenders convicted under this legislation would be, by statute, housed at a county detention facility at a cost to the state of \$36.70 per day, unless the offender is also convicted of Failure to Comply with Sex Offender Registration under KRS 17.510(11) or (12), which would prohibit housing at the local level.

Although it is not possible to determine how many convictions this legislation would generate, the overall impact is expected to be minimal.

A Class D Felony sentence is 1 to 5 years.  
1 Class D Felon costs KY \$13,396.97 to \$66,984.87

10 Class D Felons cost KY \$133,969.74 to \$669,848.70  
100 Class D Felons cost KY \$1,339,697.40 to \$6,698,487.00

**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)

This legislation holds an impact from both the misdemeanor and felony levels.

As a Class D offender, offenders subject to this offense would serve their sentence in a county jail at a cost to the state of \$36.70 per day, with \$31.34 daily reimbursement to the local detention center. Misdemeanors are subject to the jurisdiction and cost of the county.

Violations surrounding this offense may result in incarceration. Due to limited capacity, any number of additional offenders impacts local jail populations. Overall, given the targeted focus of the legislation, the number of offenders who may incur this offense would not be expected to be substantial.

Although it is not possible to determine how many convictions this legislation would generate, the overall local impact is expected to be minimal.

A Class A misdemeanor is 90 days to 1 year in jail.  
1 Class A misdemeanor: \$2,820.60 to \$11,439.10

10 Class A misdemeanants: \$28,206.00 to \$114,391.00  
100 Class A misdemeanants: \$282,060.00 to \$1,143,910.00

**Projected Corrections Impact from Amendments:**

The Floor Amendment clarifies language and removes the specification that the legislation would apply to registrants who have a minor victim. Under the Floor Amendment, the legislation will apply to all sex offenders, widening the number of offenders to whom the prohibition will apply.

The impact to incarceration under the Floor Amendment, overall, would not increase significantly.

HB 204 passed the House with the Floor Amendment.

**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:** Kathleen M. Keamy **1/28/2020**  
Commissioner, Kentucky Department of Corrections Date