

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 65 HCS 1 BR # 37 DOC ID #: HB006530.100 - 37 - XXXX

BILL SPONSOR(S): Rep. R. Bridges, D. Bentley, A. Bowling, C. Fugate, J. Graviss, D. Hale, D. Lewis, S. Lewis, C. Massey, C. Miller, B. Reed, S. Riley, S. Santoro, J. Sims Jr AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to crimes against sports officials.

SUMMARY OF LEGISLATION: Amend KRS 518.090 to make assault of a sports official a Class D felony; create a new section of KRS Chapter 518 to establish the offense of intimidation of a sports official as a Class A misdemeanor; state that the restrictions of KRS 6.945(1) do not apply.

AMENDMENT: .

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 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 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 revises KRS 518.090 by removing the misdemeanor level for the crime of assault on a sports official. Current statute is a Class A misdemeanor for a first offense, unless five or more persons are assembled for the purpose of assaulting a sports official, at which the Class D felony is applied. Under the proposed legislation the offense is elevated to a Class D felony.

Additionally, the legislation adds a new offense of intimidation of a sports official for direct or indirect threats to a sports official with the intent to cause the official to act or make a determination in a sports contest. The threat must involve causing physical injury to any person, causing physical damage to property, subject any person to physical confinement or restraint, commit any act which is illegal and intended to harm health, safety, business, financial condition, or personal relationships. The offense of intimidation of a sports official would be established as a Class A misdemeanor.

Restrictions under KRS 6.945(1) are not applied to the second section of the legislation.

Incarceration of the Class D felons under the legislation would be a cost to the state of \$36.70 per day.

According to Department of Corrections records, there is currently one (1) offender incarcerated on Class D KRS 518.090 Assault of Sports Official. There are zero (0) offenders currently under community supervision under this statute.

AOC records indicate one (1) misdemeanor conviction under KRS 518.090 in FY 2019 for the offense of Assault of a Sports Official, 1st Offense.

While the legislation does raise the criminal penalty, given the limited number of offenders convicted under KRS 518.090, the impact to incarceration is likely 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)

Class D offenders subject to this offense would serve their sentence in a county jail at a reimbursement rate of \$31.34 per day paid to the local detention facility.

Misdemeanor offenders are subject to the jurisdiction and cost of the county.

Under the legislation behavior that previously would have been at the misdemeanor level under KRS 518.090 would now be at the felony level, incurring state cost. However, the legislation also establishes a new misdemeanor offense, which would be a cost to the county.

It is not known how many additional misdemeanor offenders would be generated under this legislation, however, given the specific focus of the offense, the number of convictions would be 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:

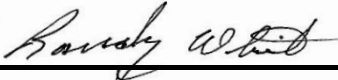
House Committee Substitute:

The House Committee Substitute deletes KRS 518.090 from the legislation. The legislation had previously removed the misdemeanor level for the crime of assault on a sports official leaving only the felony option. Under the House Committee Substitute both the misdemeanor and felony levels remain.

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:  **3/6/2020**
Commissioner, Kentucky Department of Corrections Date