

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # SB 135 Introduced BR # 1175 DOC ID #: xxxx

BILL SPONSOR(S): Sen. J. Adams AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to defining sexual contact.

SUMMARY OF LEGISLATION: Amend KRS 510.010 to define "sexual contact."

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 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) . | |
-

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)

SB 135 amends KRS 510.010 by expanding language defining sexual contact. Current statute indicates sexual contact as touching of the sexual or other intimate parts of a person for the purpose of gratifying the sexual desire of either party.

Proposed language expands this definition to sexual contact with intent to harm, threaten, intimidate, abuse, humiliate, harass, degrade, arouse, coerce, or for sexual gratification.

Overall, the expansion to the definition of sexual contact could provide additional behavior that would be defined as sexual contact and thus be charged under KRS as a sex offense. For example, Sexual Abuse 1st Degree involves subjecting another person to sexual contact by forcible compulsion.

Under the legislation there may be individuals who exhibit behavior which now could be subject to more serious criminal charges and would be identified as a sex offender. It is not possible to estimate the impact this wording change could have on additional convictions.

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 KRS 532.100 Class D offenders would serve their offense in a state prison facility if the sentence is two (2) years or more at a daily cost of \$75.91. If the sentence is under two (2) years, placement would be at a county detention facility at a cost to the state of \$36.70 per day. County jails would receive \$31.34 per day for housing of the state inmate.

The proposed language may also impact offenses such as Sexual Abuse 2nd Degree or Sexual Abuse 3rd Degree which are Class A & Class B misdemeanors, respectively. Misdemeanors are subject to the jurisdiction and cost of the county.

It is not known how the amended definition of sexual contact may impact convictions under these offenses.

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: Kathleen M. Kenney **2/13/2020**
Commissioner, Kentucky Department of Corrections Date