

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # SB 218 GA BR # 961 DOC ID #: xxxx

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

TITLE: AN ACT relating to sexual abuse.

SUMMARY OF LEGISLATION: Amend KRS 510.120 to provide that a person is guilty of sexual abuse in the second degree when, being a transportation network company driver or a taxicab driver he or she subjects a person who is at least 18 years old and who has hired him or her to provide transportation, to sexual contact.

AMENDMENT: Specify that a person is guilty of sexual abuse in the second degree when, being a transportation network company driver or a taxicab driver he or she subjects his or her passenger to sexual contact while transporting the person or within 12 hours of the termination of that transportation.

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)

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)

The legislation amends Sexual Abuse 2nd Degree as established in KRS 510.120. A transportation network company driver or taxicab driver, under the legislation, would be guilty of Sexual Abuse 2nd Degree, if having been hired to provide transportation, subjects an adult to sexual contact. A driver is defined in KRS 281.010.

Sexual Abuse 2nd degree is a Class A misdemeanor.

The Department of Corrections currently has thirty (30) offenders on community supervision for the offense of Sexual Abuse 2nd Degree. AOC records for FY2019 indicate forty-nine (49) convictions for Sexual Abuse 2nd Degree.

Misdemeanors are subject to the jurisdiction and cost of the county.

It is not known how many offenders would receive convictions under the legislation. Any additional incarceration does has an impact on the occupancy of jail beds. Overall, the impact on local incarceration would be in the minimal to moderate range.

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:

Senate Floor Amendment:

The Senate Floor Amendment adds to the offense of Sexual Abuse 2nd Degree wording for sexual contact while transporting the person or within twelve (12) hours after the transport.

While the language of the Senate Floor Amendment widens the application of the offense contained in the legislation, the additional impact to incarceration, overall, would not be substantial.

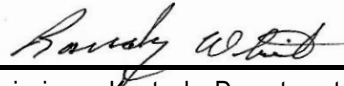
SB 218 passed with Senate Floor with the Senate Floor Amendment.

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:



Commissioner, Kentucky Department of Corrections

3/12/2020

Date