## CORRECTIONS IMPACT STATEMENT

**SESSION: 20RS** BILL # SB 35 Prefiled BR # 368 DOC ID #: xxxx

BILL SPONSOR(S): Rep. D. Carroll AMENDMENT SPONSOR(S): . .

**TITLE:** AN ACT relating to reporting dependency, neglect, or abuse.

**SUMMARY OF LEGISLATION:** Amend KRS 620.030 to establish that an investigation of child dependency, neglect, or abuse shall not be conducted by school personnel or other persons before a report is made; amend KRS 620.029 to conform; and amend KRS 620.040 to conform and to establish that no investigation of child dependency, neglect, or abuse shall be conducted by school personnel or other persons before the report is made.

AMENDMENT: .	
This ⊠ bill □ amendment □ committee substitute is expected to:	
☑ Have the following Corrections impact  ☐ Have no Corrections impact	
□Creates new crime(s)	☐Repeals existing crime(s)
☐ Increases penalty for existing crime(s)	☐ Decreases penalty for existing crime(s)
☐ Increases incarceration	□ Decreases incarceration
□ Reduces inmate/offender services	☐ Increases inmate/offender services
☐ Increases staff time or positions	☐ Reduces staff time or positions
□ Changes elements of offense for existing crime(s)	
☐ 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 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	

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

This legislation modifies KRS 620.030 related to reporting of child abuse, neglect, or dependency.

Modifications under KRS 620.030 require reporting if a person knows or has reasonable cause to believe that a child has been dependent, neglected, or abused. Current statute wording requires reporting if there is knowledge or reasonable cause to believe a child is dependent, neglected, or abused. The Commonwealth's attorney and county attorney are removed from the list of entities to report abuse or neglect to. Wording for the obligation to make the report is changed from promptly reporting to reporting immediately.

A new subsection of statute is added, requiring that the report be made to local law enforcement, the Kentucky State Police, or the Cabinet prior to school personnel, medical personnel, social workers, etc., conducting an investigation.

KRS 620,029 and KRS 620,040 are amended to conform.

offenses at the underlying offense level.

Violations of reporting under KRS 620.030 are a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class D felony for each subsequent offense.

AOC records for FY2019 reflect fourteen (14) convictions for Failure to Report Child Depend Neglect or Abuse 1st Offense. There were zero (0) convictions for Failure to Report Child Depend Neglect or Abuse 2<sup>nd</sup>, 3<sup>rd</sup> or Subsequent Offense.

Currently the Department of Corrections has one (1) offender on misdemeanor supervision for Failure to Report Child Depend Neglect or Abuse 1st Offense.

Given the limited number of felony convictions under KRS 620.030, the impact to incarceration at the felony level under the additional reporting requirements of the legislation would be expected to be limited.

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)

KRS 620.030 contains both Class A and Class B misdemeanor offenses, under which the expanded reporting requirements may generate additional convictions for failure to report child abuse or neglect.

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

It is not possible to estimate how many additional convictions would occur under the parameters of the legislation, though it would not be expected to be significant. Due to limited capacity, any number of additional offenders does impact local jail populations.

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

A Class B misdemeanor is up to 90 days in jail. 1 Class B misdemeanant: up to \$2,820.60

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

10 Class B misdemeanants: up to \$28,206.00 100 Class B misdemeanants: up to \$282,060.00

**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: \_\_\_\_ Kahlen M.

1/14/2020

Commissioner, Kentucky Department of Corrections

Date