

CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # HB 248 Introduced BR # 110 DOC ID #: xxxx

BILL SPONSOR(S): Rep. J. Raymond, A. Scott, S. Westrom AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to harassment.

SUMMARY OF LEGISLATION: Amend KRS 344.450 to allow parties to recover punitive damages; create a new section of KRS Chapter 344 to create a civil cause of action for a victim who is injured, had property damaged, or had law enforcement summoned by another person because of a belief or perception of the victim's race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation; amend KRS 519.010 to define "public safety answering point"; amend KRS 519.040 include giving information to law enforcement officers or public safety answering points to intimidate or harass another with detention or investigation by law enforcement.

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 \$80.24. 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 \$37.35 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included).*

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. The estimated impact will be based on the \$37.35 cost to incarcerate while \$31.34 is the per diem and medical that DOC pays jails to house felony offenders. Since the cost to incarcerate is an estimated average cost of housing an inmate, this may not be the actual housing cost for the jail.*

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

HB 248 discusses civil actions as well as provides a misdemeanor penalty under KRS 519.040. Added to the criminal offense of falsely reporting an incident is 1) providing false information to a law enforcement or public safety officer with the intent to intimidate or harass another with detention or investigation, or 2) contacting law enforcement or public safety for the purposes of harassment or intimidation without reason to suspect a violation of the penal code, threat of imminent harm, or other circumstance which merits law enforcement response.

Falsely reporting an incident is a Class A misdemeanor. Misdemeanors are subject to the jurisdiction and cost of the county.

The Department of Corrections currently has thirty-nine (39) offenders on supervision for convictions for Falsely Reporting an Incident.

AOC reports a total of 221 convictions in FY20 for this offense.

Given the limited occurrences of this behavior and that this offense would have a lower arrest rate, the legislation would have a minimal impact on incarceration.

Cost to Incarcerate

A Class A misdemeanor is 90 days to 1 year in jail.
1 Class A misdemeanor: \$3,361.94 to \$13,634.54

10 Class A misdemeanants: \$33,619.42 to \$136,345.44
100 Class A misdemeanants: \$336,194.25 to \$1,363,454.45

Projected Corrections Impact from Amendments:

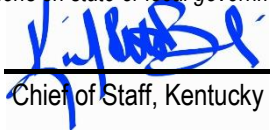
**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

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, lengthens the term or incarceration, or impose new obligations on state or local governments.

APPROVED BY:



Chief of Staff, Kentucky Department of Corrections

2/10/2021

Date