

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2021 Regular Session**

Part I: Measure Information

Bill Request #: 1226

Bill #: HB 254 GA

Document ID #: 6309

Bill Subject/Title: AN ACT relating to the sexual exploitation of minors.

Sponsor: Representative Derek Lewis

Unit of Government:	<input checked="" type="checkbox"/> City	<input checked="" type="checkbox"/> County	<input checked="" type="checkbox"/> Urban-County Unified Local Government
	<input checked="" type="checkbox"/> Charter County	<input checked="" type="checkbox"/> Consolidated Local	<input checked="" type="checkbox"/>

Office(s) Impacted: Local jails

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 254 GA amends KRS 531.335 to amend the Class D felony for possession or viewing of matter portraying a sexual performance by a minor if the minor portrayed is less than 18 years old at the time of the sexual performance and creates a Class C felony for possession or viewing of matter portraying a sexual performance by a minor under the age of 12 years. The bill amends KRS 531.340, relating to distribution of matter portraying a sexual performance by a minor if the person knows that the minor is under 18 years old at the time of the sexual performance to state that it is a Class D felony for the first offense, and a Class C felony for each subsequent offense. The bill creates a new Class C felony for the first offense, and a Class B felony for each subsequent offense, if the person knows that the minor portrayed is less than 12 years old at the time of the sexual performance.

There may be a slight decrease in Class D felony convictions since the age range of a minor is limited to be between 12 and 18 years of age for persons that possess, view, or distribute matter portraying a sexual performance of a minor. Then there may be new

Class C felony convictions due to the new clarification that if a minor is under 12 years of age. The impact to local jails is expected to be minimal. Class D felons are held in local jails and the costs of such incarcerations are reimbursed by the state. Local governments are responsible for housing Class D and Class C felons if a court denies bail and the local government is then responsible for housing the defendant until disposition of the case. The costs for Class D and C incarcerations are described below.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

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Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to the GA version. The GA version is the same as the bill as introduced. No amendments or substitutes were adopted when the bill passed its chamber of origin.

Data Source(s): Kentucky Jailers Association; Kentucky Department of Corrections

Preparer: H. Marks **Reviewer:** KHC **Date:** 3/4/21