

# CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # HB 547 Introduced BR # 1817 DOC ID #: xxxx

BILL SPONSOR(S): Rep. J. Nemes, C. Massey AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to the false reporting of claims of abuse.

**SUMMARY OF LEGISLATION:** Amend KRS 403.270 to add false reporting of claims of abuse towards another party or de facto custodian to the list of factors a court shall consider when making a custody determination; amend KRS 519.040, relating to false reporting, to prohibit reports of domestic violence or sexual assault to any law enforcement officer, officer of the court, or government agency officer when the information reported is false or baseless.

**AMENDMENT:** .

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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 547 addresses false reports of abuse or domestic violence in divorce or child custody matters. KRS 403.270 adds a finding by a court that a party made a false report of domestic violence or abuse in an attempt to adversely affect custody or child visitation for consideration in custody determinations.

Similar language is added under KRS 519.040 as a false report of domestic violence, abuse, or sexual assault to a law enforcement officer, officer of the court, or government agency. Falsely Reporting an Incident is a Class A misdemeanor.

Currently the Department of Corrections has thirty-six (36) misdemeanor offenders under supervision for violation of KRS 519.040.

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

The number of convictions stemming from the addition to this offense are expected to be minimal, with a negligible impact on local incarceration.

Cost to Incarcerate

A Class A misdemeanor is 90 days to 1 year in jail.

10 Class A misdemeanants: \$33,619.42 to \$136,345.44

1 Class A misdemeanor: \$3,361.94 to \$13,634.54

100 Class A misdemeanants: \$336,194.25 to \$1,363,454.45

**Projected Corrections Impact from Amendments:**

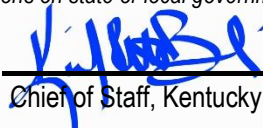
*\*All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers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

**3/15/2021**

Date