

CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # HB 89 GA BR # 171 DOC ID #: xxx

BILL SPONSOR(S): Rep. R. Bridges, D. Hale AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to intimidation of a sports official.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 518 to create the crime of intimidation of a sports official as a Class A misdemeanor.

AMENDMENT: .

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input checked="" 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 type="checkbox"/> Changes elements of offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain) . | |
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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)

This legislation adds a new offense of intimidation of a sports official for direct or indirect threats to a sports official with the intent to cause the official to act or make a determination in a sports contest. The threat must involve physical injury to the sports official, physical damage to property, confinement or restraint, or an act which is illegal and intended to harm health, safety, business, or financial interests. A sports official is defined in KRS 518.090. The offense of intimidation of a sports official would be established as a Class A misdemeanor.

Misdemeanor offenders are subject to the jurisdiction and cost of the county. Offenders subject to incarceration for this offense would serve their sentence in a county jail at an average daily cost to incarcerate of \$37.35.

KRS 518.090 Assault of Sports Official is a similar offense, with penalties from a Class A misdemeanor to Class D felony. According to Department of Corrections records, there is currently one (1) offender incarcerated on Class D KRS 518.090 Assault of Sports Official. There are zero (0) offenders currently under community supervision under this statute.

AOC records indicate one (1) misdemeanor conviction in FY 2019 and one (1) misdemeanor conviction in FY 2020 under KRS 518.090 for the offense of Assault of a Sports Official, 1st Offense, with no felony convictions for this offense.

It is not known how many additional misdemeanor offenders would be generated under this legislation, however, given the specific focus of the offense, the number of convictions would likely be few in number.

While the legislation does establish a new misdemeanor offense, which would be a cost to the county, the limited number of offenders convicted under the new offense would provide 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

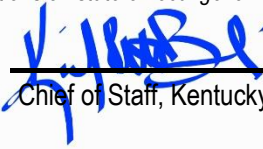
Projected Corrections Impact from Amendments:

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**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:  **1/12/2021**
Chief of Staff, Kentucky Department of Corrections Date