

CORRECTIONS IMPACT STATEMENT

SESSION: 21RS BILL # SB 26 Prefiled BR # 120 DOC ID #: xxxx

BILL SPONSOR(S): Sen. P. Wheeler AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to sex offender registrants.

SUMMARY OF LEGISLATION: Amend KRS 17.545 to prohibit sex offender registrants from being on the grounds of a senior citizen center.

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 checked="" 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)

This legislation amends KRS 17.545 to prohibit sex offender registrants from being on the grounds of a senior citizen center. The senior citizen center director can provide advance written permission after receiving disclosure of the person's status as a sex offender registrant. The legislation does not include a definition for a senior citizen center. A senior citizen center is assumed to not be a residential facility.

Under KRS 17.990, a violation of KRS 17.545(2) is a Class A misdemeanor.

Corrections data shows one (1) individual is currently serving on Registered Sex Offender Residence Restrictions under KRS 17.545, for a second offense or greater. There are two (2) offenders on supervision for Register Sex Offender School Restrictions. AOC records reflect sixteen (16) convictions for FY20 for District & Circuit Court for registry restrictions under KRS 17.545, all at the misdemeanor level.

If a sex offender registrant failed to comply with this added requirement, possible penalties could include incarceration, violation proceedings, and workload for Probation and Parole Officers who monitor sex offender caseloads. The Kentucky State Police monitors compliance with the Sex Offender Registry and violations of the sex offender registry restrictions.

Of concern for the Kentucky Department of Corrections is the limited availability of placement for sex offenders who need care. While the legislation provides for approval by the center, the legislation may deter senior citizen centers from providing approvals for elderly sex offenders who may be in need of services.

Misdemeanors are subject to the jurisdiction and cost of the county, at an average cost to incarcerate of \$37.35 per day.

Although it is not possible to determine how many convictions this legislation would generate, overall, given the targeted focus of the legislation, the number of offenders who may incur this offense would be expected to be minimal.

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:

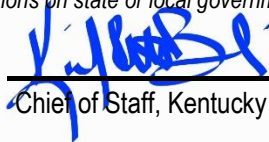
**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers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

1/12/2021

Date