

The fiscal impact of HB 262 SCS 1 on local governments is expected to be minimal. Current law already provides for these crimes. The elements of the crime have been expanded as detailed above.

For the years 2019, 2020, and 2021, there were 96, 54, and 36, respectively, charges resulting in convictions for incest-related crimes in the state as a whole. Additionally, for the years 2019, 2020, and 2021, there were 129, 65, and 96, respectively, charges resulting in convictions for rape and sodomy-related crimes in the state as a whole. *These numbers do not represent the number of cases since there may be multiple charges per case.*

There may be minimal cost in educating local law enforcement officers as to the change in law, but should be easily absorbed in current training.

Class C felons:

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 74 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 average cost to incarcerate of \$35.43, which includes the \$31.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays a jail \$31.34 per day to house a Class C felon. The per diem may be less than, equal to, or greater than the actual housing cost.

Class A, B, & C felonies:

Class A, B, & C felonies are based on an average daily prison rate of \$97.60. Community Custody Class C and are housed in one of seventy-four (74) full service or regional jails for up to five (5) years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$35.43 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included).

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

Part II pertains to HB 262 SCS 1. The fiscal impact is not changed by the SCS. HB 262 SCS 1 retains the provisions of Section 1 from the GA version and restores ancestors and descendants as incestual relationships. HB 262 SCS 1 deletes Section 2 regarding alcohol and Sections 3 and 4 regarding impairment.

HB 262 GA keeps all the provisions of HB 262 HSC 1. Title Amendment changed the title to: AN ACT related to Sex Crimes.

Data Source(s): LRC Staff; KY Department of Corrections, Administrative Offices of the Court

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