Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

Part I: Measure Information

Bill Request #: 1552
Bill #: SB 109
Document ID #: 3329
Bill Subject/Title: AN ACT relating to sexual offenses.
Sponsor: Senator Denise Harper Angel
Unit of Government: X City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Law Enforcement, Jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX Adds New Eliminates Existing

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

SB 109 expands the elements necessary to prove rape in the third degree and sodomy in the third degree, both Class D felonies, to require engaging in sexual intercourse knowing the victim's ability to appraise the nature of, or control, his or her own conduct is substantially impaired.

SB 109 amends KRS 510.010 to include alcohol as a substance within the definition of being rendered "physically helpless" or unable to communicate an unwillingness to an act.

The fiscal impact of SB 109 on local governments is expected to be minimal. Current law already provides for these crimes, although without the impairment requirement.

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.

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 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. 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 Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

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

Part II refers SB 109 to as introduced. There are no prior versions of this bill.

Data Source(s): <u>LRC Staff, Department of Corrections</u>

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 1/25/22