

CORRECTIONS IMPACT STATEMENT

SESSION: 22RS BILL # SB 211 Introduced BR # 2091 DOC ID #: xxxx

BILL SPONSOR(S): Sen. A. Southworth AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to pornography.

SUMMARY OF LEGISLATION: Amend KRS 531.070 to remove the educational justification from the exemption of criminal prosecution for pornography.

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 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) . | |
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STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$97.60. Community Custody Class C and most Class D felons 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).*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The legislation amends KRS 531.070 removing education from the list of exemptions that would otherwise be subject to criminal penalties for pornography imposed by statute. This modification to statute is not likely to have an impact on criminal convictions for these sex offenses.

Under KRS 531.070, scientific and governmental remain listed as reasons why possession of such material would not be subject to criminal penalties. KRS 531.010 holds definitions such as obscene material and private erotic matter which would apply to the criminal offenses in KRS Chapter 531.

Currently the Department of Corrections has 548 inmates and 358 offenders incarcerated or on supervision for KRS 531 offenses.

AOC reports 922 convictions under KRS 531 offenses in FY2021.

The proposed modification to statute is not likely to impact the number of felony convictions for the criminal offenses in statute.

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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 \$35.43 cost to incarcerate for the Department of Corrections, including \$31.34 per diem and medical that DOC pays jails to house felony offenders. This cost to incarcerate may not be the actual housing cost for the jail.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

There are several misdemeanor sex offenses in KRS Chapter 531. Misdemeanors are subject to the jurisdiction and cost of the county.

The legislation would not be expected to have an impact on local incarceration.

PROJECTED IMPACT FROM AMENDMENTS:

NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

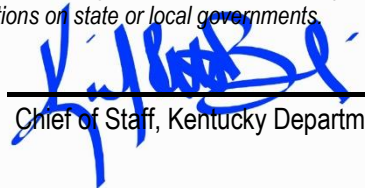
**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers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

3/18/2022

Date