

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # HB 104 Introduced BR # 959 DOC ID #: xxxx

BILL SPONSOR(S): Rep. S. Heavrin AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to aggravating circumstances.

SUMMARY OF LEGISLATION: Amend KRS 532.025 to include abuse of a corpse by deviate sexual intercourse, sexual intercourse, or sexual contact as an aggravating circumstance; provide that the Act may be cited as Angela's Law.

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 type="checkbox"/> Changes elements of offense for existing crime(s) | |
| <input checked="" type="checkbox"/> Otherwise impacts incarceration (Explain) <i>Establishes an aggravating factor.</i> | |
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STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$105.23. 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 \$40.11 per day, which includes \$35.34 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 proposed legislation is likely to have a minimal impact on incarceration. While the aggravator would be applicable for death or life sentences, given the specific behavior the proposed legislation targets, the number of offenses where this circumstance would be applicable is limited.

The legislation adds to KRS 532.025 an additional factor a judge or jury may consider as an aggravating circumstance in death penalty cases: Abuse of a corpse of a kidnapping or murder victim through sexual intercourse, deviate sexual intercourse, or other sexual contact as defined by statute.

KRS 525.120 Abuse of a Corpse is a Class D felony.

Kentucky Department of Corrections currently has fifteen (15) inmates and six (6) community supervision offenders with convictions for Abuse of a Corpse. It appears that at least three (3) of these offenses involved murder victims and sexual abuse of a corpse.

Records for AOC reflect fifteen (15) convictions in FY22 for Abuse of a Corpse. It is not known how many of these, if any, involve circumstances applicable under HB 104.

Cost to Incarcerate

A Class D Felony sentence is 1 to 5 years.

1 Class D Felon costs KY \$14,638.94 to \$73,194.71

10 Class D Felons cost KY \$146,389.42 to \$731,947.13

100 Class D Felons cost KY \$1,463,894.26 to \$7,319,471.31

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 \$40.11 cost to incarcerate for the Department of Corrections, including \$35.34 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)

PROJECTED IMPACT FROM AMENDMENTS:

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

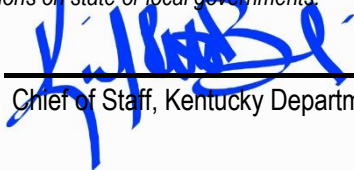
**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers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

1/19/2023

Date