Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

| Bill Request #: 1230 | | | | | | |
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| Bill #: HB 182 | | | | | | |
| Document ID #: <u>2677</u> | | | | | | |
| Bill Subject/Title: AN ACT relating to crimes and punishments. | | | | | | |
| Sponsor: Representative Stephanie Dietz | | | | | | |
| Unit of Government: X City X County Multiple Multiple Multiple Multiple Multiple Unified Local Multiple Multiple Multiple Multiple | | | | | | |
| X Charter County X Consolidated Local X Government | | | | | | |
| Office(s) Impacted: Jails, law enforcement | | | | | | |
| Requirement: <u>X</u> Mandatory Optional | | | | | | |
| Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing | | | | | | |

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

HB 182 would define "child sex doll" and "traffic" and make it a Class D felony to possess a child sex doll and a Class C felony to knowingly traffic a child sex doll. The Act would make it a Class C felony to import (as "import" is defined) a child sex doll. HB 182 would create a new section of KRS Chapter 531.310 to 531.370 to prohibit the advancing of child sex dolls (defined in the Act) and would make advancing child sex dolls a Class C felony.

HB 182 would have a presently indeterminable but minimal negative fiscal impact on local jails and law enforcement. HB 182 would create three new Class C felonies and one new Class D felony and there would be some increase in Class C and Class D felony convictions and incarcerations. Since there is no conviction or incarceration history for these felonies it is not possible to estimate law enforcement or incarceration expenses to local governments as a result of HB 182. Each person arrested, convicted, and incarcerated for violation of HB 182 would represent an additional expense to local law enforcement and jails. 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 76 fullservice jails or four life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$40.11 per day. The Department of Corrections (DOC) pays jails \$35.34 per day to house felony offenders, which includes for medical expenses. 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 DOC pays a jail \$35.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

When a court denies bail to a Class C felony defendant, the local government is, again, responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 76 full-service jails or four life safety jails. Class C felons are ineligible for permanent 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 local jails \$35.34 per day to house these Class C felons pre-trial and if they serve out the remainder of their sentence once they are eligible. Since the per diem pays for the estimated average cost of housing a Class C 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 applies to HB 182 as introduced. There is no earlier version for comparison.

| Data Source | e(s): Department of Con | rrections; LRC | <u>C staff</u> | | |
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| Preparer: | Mary Stephens (CTH) | Reviewer: | КНС | Date: | 3/7/23 |