

# CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # HB 491 Introduced BR # 348 DOC ID #: xxxx

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

TITLE: AN ACT relating to crimes and punishments.

**SUMMARY OF LEGISLATION:** Amend KRS 421.510 to raise the age of when a person is a victim of a sexual offense from 16 years old to 18 years old; amend KRS 510.020 to raise the age of when a person is deemed incapable of consent to a sexual act from 16 years old to 18 years old; amend KRS 510.040 to increase the classification for rape in the first degree to a Class A felony if the victim becomes pregnant as a result of the rape; amend KRS 510.050 to increase the classification for rape in the second degree to a Class B felony if the victim becomes pregnant as a result of the rape; amend KRS 510.060 to increase the classification for rape in the third degree to a Class C felony if the victim becomes pregnant as a result of the rape and change the age range to 18 years old or more when engaging in sexual intercourse with another person between 14 and 18 years of age; amend KRS 530.020 to increase the classification for incest to a Class B felony if a person becomes pregnant as a result of the incestuous act and to a Class A felony if the victim is under the age of 12 and becomes pregnant as a result of the incestuous act; amend KRS 531.310 and 531.320 to increase the classification for acts involving sexual performance and a minor if the minor becomes pregnant as a result of the prohibited activity; amend various statutes to conform.

**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 checked="" type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input checked="" 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 type="checkbox"/> Otherwise impacts incarceration (Explain) .        |  |
- 

**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)

Changing the definitions regarding age will result in an increase of individuals with these offenses. While there is no way to predict the number of new convictions this legislation would generate, the number of convictions would likely be few.

Depending on how many offenders are subject to the increased penalties under the legislation, the increased incarceration costs could fall in the moderate range.

Additionally, the modification of adding pregnancy as an enhancement to the felony class will also increase the number of offenders who are convicted as A, B or C felons. A and B felons must serve their time in a DOC adult institution which is a higher cost to incarcerate.

This would require multiple changes and additional offenses to be added to the Kentucky Offender Management System which due to the volume of charges involved could result in a work order - A similar work order from 2022 costs \$13,800.00.

**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)

This ultimately would have a decrease on the county jail population as offenders under the new guidelines will serve in prison.

**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

3/2/2023

Date