

# CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # SB 119 SCS . 1 BR # 1243 DOC ID #: xxxx

BILL SPONSOR(S): Sen. M. Deneen AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to sex offenses.

**SUMMARY OF LEGISLATION:** Amend KRS 403.720 to remove "sexual abuse" from the definition of "domestic violence and abuse" and replace with "sexual assault"; define "sexual assault"; amend KRS 510.010 to redefine "sexual contact."

**AMENDMENT: SCS 1** - Retain original provisions; provide that the intentional touching is construed by a reasonable person as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner; make technical corrections.

**SFA 1:** Retain original provisions; amend KRS 510.010 to add material intended to cover the immediate area of a person's intimate parts in the definition of "sexual contact": make technical corrections.

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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 \$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 could result in an increase of individuals charged with sexual assault or sexual contact. This could potentially result in new felony and/or misdemeanor offenses which would impact the number of offenders incarcerated and/or placed on supervision. Depending on how many offenders are subject to the penalties under the legislation, the increased incarceration costs could fall in the minimal to moderate range.

Class D sex offenses with 2 years or more requires housing in a prison. There are currently thirteen (13) inmates in custody for domestic violence related sex crimes. There are currently seven (7) offenders on supervision for domestic violence related sex crimes.

**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)

Any increase to the sex offender population based on the creation of additional sex offenses could impact contract beds with Reentry Service Centers (RSCs) who house sex offenders with residency restrictions in addition to program beds for Sex Offender Treatment Program (SOTP). This would result in a cost increase.

Changing the definitions could potentially result in new felony and/or misdemeanor offenses which would impact the number of offenders incarcerated and/or placed on supervision. Class D sex offenses with less than 2 years would be housed in a county jail.

Any increase in arrests would be subject to the jurisdiction and cost of the county. The impact is not expected to be significant.

**PROJECTED IMPACT FROM AMENDMENTS:**

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

The impact of the amendment SCS 1, regarding intentional touching, will have minimal additional impact.

The impact of the amendment SFA 1, regarding sexual contact, will have minimal additional impact.

*\*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

2/2/2023

Date