

Sections 8, 10, 11, and 12 adds the digitization of a minor as a subject for which a person may be found guilty of promoting a sexual performance, distribution of matter portraying a sexual performance by a minor, promoting sale of material portraying a sexual performance by a minor, and advertising material portraying a sexual performance by a minor.

Section 14 creates a new section of KRS 531.300 to 531.370 stating that when prosecuting applicable offenses involving the digitization of a minor, the Commonwealth shall not be required to prove the actual identity or age of the digitized minor, or that the minor actually exists.

HB 207 GA would have a presently indeterminable but minimal negative fiscal impact on local jails and law enforcement. HB 207 GA would create three new Class C felonies, one new Class D felony, and expand criteria for which persons may be prosecuted for certain sex crimes involving minors. As such, there would be some increase in Class C and Class D felony convictions and incarcerations. Since there is no conviction or incarceration history for either these new felonies or existing offenses as revised, it is not possible to estimate law enforcement or incarceration expenses to local governments as a result of HB 207. However, each person arrested, convicted, and incarcerated for violation of HB 207 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 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$44.97, which includes the \$35.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. 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 Department of Corrections pays a jail \$35.34 per day to house 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 responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$44.97, which includes the \$35.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Class C felons are ineligible for 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. The per diem may be less than, equal to, or greater than the actual housing cost.

Data Source(s): LRC Staff; Department of Corrections

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