

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 207 SCS 1

BR #: 1390

BILL SPONSOR(S): Rep. S. Dietz, A. Neighbors, N. Wilson

AMENDMENT SPONSOR(S): S. Dietz

TITLE: AN ACT relating to crimes and punishments.

SUMMARY OF LEGISLATION: Amend KRS 531.300 to define "child sex doll" and "traffic"; create new sections of KRS 531.310 to 531.370 to prohibit the possession, trafficking, importing, and advancing of a child sex doll; make technical corrections; amend KRS 531.010 and 531.340 to conform.

AMENDMENT:

HCS 1: Retain original provisions, except amend KRS 17.500 to include distribution of matter portraying a sexual performance by a minor in the definition of "sex crime"; amend KRS 531.010 to define "child sex doll," "computer-generated image," and "digitization"; amend definitions of "matter" and "private erotic matter"; amend trafficking and importing of a child sex doll sections to provide that any person who has more than one child sex doll shall be rebuttably presumed to have that child sex doll with the intent to distribute it; amend KRS 531.320, 531.340, 531.350, 531.360, and 531.370 to include digitization of a minor as an element of those offenses; amend KRS 531.330 to provide that in a prosecution where the offense involves a digitization that used an actual minor as the source, the presumption of minority shall be based on the age of the actual minor; create a new section of KRS 531.300 to 531.370 to provide that in a prosecution where the offense involves material portraying a 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 exists.

GA: Retain original provisions, except amend KRS 17.500 to include possession of a child sex doll, trafficking a child sex doll, importing a child sex doll, and permitting or promoting the use of a child sex doll in the definition of "sex crime."

SCS 1: Retain original provisions, except amend KRS 531.010 to define "identifiable person," "computer," and "computer-generated image"; remove definition of "digitization"; amend KRS 531.335 to include computer-generated images of minors.

This bill amendment committee substitute is expected to:

Have the following Corrections impact

Creates new crime(s)

Increases penalty for existing crime(s)

Increases incarceration

Reduces inmate/offender services

Increases staff time or positions

Changes elements of the offense for existing crime(s)

Otherwise impacts incarceration (Explain):

Have no Corrections impact.

Repeals existing crime(s)

Decreases penalty for existing crime(s)

Decreases incarceration.

Increases inmate/offender services.

Reduces staff time or positions.

STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$116.93. 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 jail is \$44.97 per day, which includes \$35.34 per diem, medical costs, and central office administrative costs (substance abuse treatment not included).*

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

The legislation would likely have a minimal increase in operational costs at the state level. The necessary appropriations associated with the costs estimated in this corrections impact statement require a continuation of current service funding for adult correctional institutions.

DOC does not anticipate that there will be many offenders convicted under the newly established offenses in this bill.

It creates a new Class D and Class C Felony. Class D will be jail eligible if the sentence is less than 2 years and DOC pays counties a per diem for housing those inmates. A Class D Felony sentence is 1 to 5 years. One (1) Class D Felon costs KY \$16,414.05 to \$82,070.25.

Class C felons will be required to serve time in state prison. A Class C Felony sentence is 5 to 10 years. One (1) Class C Felon costs KY \$213,397.25 to \$426,794.50

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until the disposition of the case. The estimated impact will be based on the \$44.97 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)

The legislation would likely have a minimal increase in operational costs at the local level, however, DOC does not anticipate that there will be many offenders convicted under the newly established offenses in this bill.

It creates a new Class D and Class C Felony. Class D will be jail eligible if the sentence is less than 2 years and DOC pays counties a per diem for housing those inmates. A Class D Felony sentence is 1 to 5 years. One (1) Class D Felon costs KY \$16,414.05 to \$82,070.25.

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).

PROJECTED IMPACT FROM AMENDMENTS: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

HCS 1: There is no additional impact from HCS 1 beyond the initial impact.

GA: This version expands the definition of offenses included as sex crime which would increase the number of sex offenders.

SCS 1: There is no additional impact from SCS 1 beyond the GA version.

**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, lengthen the term of incarceration, or impose new obligations on state or local governments.

APPROVED BY: 

Chief of Staff, Kentucky Department of Corrections

3/12/2024
Date