

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 236

Introduced.

BR #: 281

BILL SPONSOR(S): Rep. R. Dotson, J. Calloway

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to sex crimes.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 532 to provide that any person who has been convicted of, pled guilty to, or entered an Alford plea to a sex crime where the victim was under the age of 12 shall undergo medroxyprogesterone acetate treatment; provide that treatment shall begin no later than one month before the person is released from custody; provide that treatment shall continue until the person is released from probation, parole, or post-incarceration supervision; provide that the person shall be evaluated by a licensed physician prior to treatment to determine if the person is an appropriate candidate for treatment; provide that the Department of Corrections shall administer the treatment; authorize the Department of Corrections to promulgate administrative regulations to implement the requirements.

AMENDMENT:

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 an increase in operational costs.

There are currently 859 inmates in custody and 222 offenders on supervision for sex offenses involving victims under 12.

For offenders who are deemed indigent the cost of treatment would be an additional expense.

Treatment and reentry staff will be needed to oversee the offenders in the community. Offender information service staff will be needed to oversee placement and audits. Agency costs are approximately \$75,000 per employee in these positions.

The Department of Corrections' current healthcare contract utilizes Nurse Practitioners. It would need to be determined if this is in the scope of practice for Kentucky Nurse Practitioners.

The Policy & Accreditation Branch will need to develop policies regarding the implementation of this treatment.

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 requirement of medroxyprogesterone acetate treatment could affect offenders housed in county jails as some of the offenses considered a sex crime are misdemeanors or Class D felonies. For misdemeanants that are the fiscal responsibility of the county, this requirement would be an added expense.

For Class D felons housed in the county jails, the county receives a per diem. For those offenders needing this treatment, who are deemed indigent, there would be additional expense needed.

Any modifications to the sex offender population could impact contract beds with Reentry Service Centers (RSCs) which house sex offenders with residency restrictions.

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

APPROVED BY: 

Chief of Staff, Kentucky Department of Corrections

1/24/2024
Date