

## CORRECTIONS IMPACT STATEMENT

**SESSION:** 24RS **BILL #:** HB 25 **Introduced.** **BR #:** 416

**BILL SPONSOR(S):** Rep. D. Fister, K. King

**AMENDMENT SPONSOR(S):**

**TITLE:** AN ACT relating to crimes and punishments.

**SUMMARY OF LEGISLATION:** Amend KRS 17.500 to include distribution of matter portraying a sexual performance by a minor in the definition of "sex crime"; amend KRS 439.3401 to include possession or viewing of matter portraying a sexual performance by a minor and distribution of matter portraying a sexual performance by a minor in the definition of "violent offender"; amend KRS 532.060 to require a person who has been convicted of a violation of KRS 529.100, 529.110, 531.320, 531.335, or 531.340 to serve five years of post-incarceration supervision; amend KRS 532.200 to redefine "violent felony offense" as an offense that would classify a person as a violent offender under KRS 439.3401

### AMENDMENT:

**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.

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**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 to moderate impact to incarceration costs. Probation & Parole - Cost to Supervise each offender is \$4.41 per day. An additional 5 years of supervision equates to \$8,048.25 per offender.

Currently, there are 111 inmates in custody and 71 offenders on supervision for Distribution Of Matter Portraying Sex Performance By Minor, 1st Off.

The legislation adds five years of post-incarceration supervision to offenders convicted of KRS 529.100, 529.110, 531.320, 531.335, or 531.340. There are currently, 404 inmates in custody and 205 offenders on supervision for these offenses.

Offense changes would need to be added to the Kentucky Offender Management System however, this level of effort would fall under the current maintenance agreement.

Adding KRS 531.340 to the definition of "sex crime" would require those offenders to complete SOTP before being eligible for parole or sentence credits lengthening their overall length of stay.

Adding KRS 531.335 and 531.340 to the violent offender statutes requires those offenders to serve 85% of their sentence unless they complete SOTP and receive parole lengthening their overall length of stay.

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).

**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)

Adding possession, viewing, or distributing child pornography to the list of violent offenses could impact the controlled intake population housed in county jails. As inmates are required to serve longer prison sentences before being eligible for release consideration, the turnover in prison inmates will decrease, requiring newly convicted controlled intake inmates to wait longer for available bedspace.

**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:**   
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Chief of Staff, Kentucky Department of Corrections

**1/23/2024**  
Date