

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 289 Introduced. BR #: 1649

BILL SPONSOR(S): Rep. N. Wilson

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to incest.

SUMMARY OF LEGISLATION: Amend KRS 530.020 to define terms; provide that a person is guilty of incest when the person engages in sexual contact with a person to whom he or she knows to have a familial relationship with; provide that incest by sexual contact is a Class D felony unless the victim is under 12 years old, in which case it is a Class C felony; amend KRS 439.3401 to amend the definition of "violent offender" to include a person who has been convicted of incest by sexual contact.

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 a minimal increase in operational costs at the state level as it creates a new Class D and C felony as well as changes elements of an existing offense. The necessary appropriations associated with the costs estimated in this corrections impact statement require a continuation of current service funding for adult correctional institutions.

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.*

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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)

**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:  _____ **2/6/2024**
Chief of Staff, Kentucky Department of Corrections Date