

# CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 309 Introduced. BR #: 1271

BILL SPONSOR(S): Rep. F. Rouborn, J. Calloway, S. Doan, S. Maddox, C. Massaroni, S. Rawlings

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to lobbying.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 48 to prohibit a public agency or any other entity created by an act of the General Assembly from using public funds for lobbying activity or to employ or enter into a contract with a lobbyist; define terms; exempt public agency employees who perform lobbying activities as part of their fiduciary duties; create a new section of KRS Chapter 61 to prohibit a public agency from using public funds for lobbying activity or to employ or contract with a lobbyist; define terms; exempt public agency employees who perform lobbying activities as part of their fiduciary duties; create new sections of KRS 6.601 to 6.849 to permit a person to file a complaint with the Legislative Ethics Commission if a public agency or entity created by an act of the General Assembly is using public funds to hire a lobbyist or for lobbying activity; require the commission to transfer a complaint to the Executive Branch Ethics Commission if the alleged violator is an employee of the executive branch of state government; require a public agency to report to the Legislative Ethics Commission if the agency procures a contract with a legislative agent to engage in federal lobbying or uses federal funds to employ or procure a contract with a legislative agent or as part of compensation or salary of an employee to engage in lobbying activity on behalf of the agency; require the report to be filed within 30 days of the decision to engage in federal lobbying activity or use federal funds to engage in lobbying activity; require all public agencies to submit to the Auditor of Public Accounts and State Treasurer a list of all contracts they have procured with a legislative agency for all types of lobbying activity, regardless of the source of funds, by June 30 each year; allow the Attorney General, Commonwealth's attorney, county attorney, or their designee to investigate violations; create a new section of KRS Chapter 164 to prohibit public postsecondary education institutions from employing or contracting with a lobbyist or using public funds to employ or contract with a lobbyist; allow a president of the public postsecondary institution to lobby on behalf of the institution in his or her fiduciary capacity; amend KRS 6.611 to include as lobbying any public agency to hire or procure a contract with a public relations, media, or social media company to indirectly promote, advocate, or oppose passage of any legislation or action taken by the General Assembly, the Governor, the secretary of any cabinet or any staff members; amend KRS 6.691 to allow the Legislative Ethics Commission to issue a fine of not less than \$2,000 but not more than \$10,000 to any public agency that uses public funds for lobbying purposes; amend KRS 6.945 to provide that the lobbying restrictions are not affected by the requirements of Section 1 or 2 of this Act; amend KRS 61.990 to provide that an officer or employee of a public agency who intentionally violates the lobbying restrictions shall be guilty of a Class A misdemeanor for the first offense, and a Class D felony for any subsequent offenses; amend KRS 11A.201 to conform; provide that the Act may be cited as the Bye Bye BULL Act.

## AMENDMENT:

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This  bill  amendment  committee substitute is expected to:

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|--|--|
| <input checked="" type="checkbox"/> Have the following Corrections impact      | <input type="checkbox"/> Have no Corrections impact.             |
| <input checked="" type="checkbox"/> Creates new crime(s)                       | <input type="checkbox"/> Repeals existing crime(s)               |
| <input type="checkbox"/> Increases penalty for existing crime(s)               | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration                               | <input type="checkbox"/> Decreases incarceration.                |
| <input type="checkbox"/> Reduces inmate/offender services                      | <input type="checkbox"/> Increases inmate/offender services.     |
| <input type="checkbox"/> Increases staff time or positions                     | <input type="checkbox"/> Reduces staff time or positions.        |
| <input type="checkbox"/> Changes elements of the offense for existing crime(s) |  |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain):            |  |

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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)

This legislation would have a minimal increase at the state level by creating a Class D felony for subsequent offenses. 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 felons are housed in a county jail 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.

**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)

This legislation would have a minimal increase at the local level by creating a new Class A misdemeanor and Class D felony.

Class D felons are housed in a county jail 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.

Misdemeanor offenders are subject to the jurisdiction and cost of the county. A Class A misdemeanor is 90 days to 1 year in jail. One (1) Class A misdemeanant costs \$4,047.30 to \$16,414.05.

**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