

# CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 618 GA. BR #: 2065

BILL SPONSOR(S): Rep. D. Bentley, K. Moser

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to the modernization of disease testing.

**SUMMARY OF LEGISLATION:** Amend KRS 510.320 to define "sexually transmitted disease"; set requirements for tests for a sexually transmitted disease rather than human immunodeficiency virus; amend KRS 529.090 to define "sexually transmitted disease"; set requirements for tests for a sexually transmitted disease rather than human immunodeficiency; delete violation for a person who commits, offers, or agrees to commit prostitution by engaging in sexual activity in a manner likely to transmit the human immunodeficiency virus; provide that a person convicted of procuring another person to commit prostitution is guilty of a Class A misdemeanor if the person knew they had a sexually transmitted disease and could have transmitted the disease, rather than a Class D felony for a positive human immunodeficiency virus.

## AMENDMENT:

This  bill  amendment  committee substitute is expected to:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <b>Have the following Corrections impact</b>          | <input type="checkbox"/> <b>Have no Corrections impact.</b>                 |
| <input type="checkbox"/> Creates new crime(s)   | <input type="checkbox"/> Repeals existing crime(s)                          |
| <input type="checkbox"/> Increases penalty for existing crime(s)                          | <input checked="" 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 checked="" type="checkbox"/> Changes elements of the offense for existing crime(s) |   |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain):                       |   |

**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 no impact at the state level. New offenses would need to be added to the Kentucky Offender Management System however, this level of effort would fall under the current maintenance agreement.

**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 likely have a very minimal impact on operational costs by expanding the definition of an existing crime. The definition of the offense is being expanded to include all sexually transmitted diseases rather than only human immunodeficiency virus. However, it also proposes to reduce the offense from a Class D felony to a Class A misdemeanor. There are currently no inmates in custody for human immunodeficiency virus-related offenses and 1 offender on supervision.

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



Chief of Staff, Kentucky Department of Corrections

3/6/2024

Date