

# CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 649

Introduced.

BR #: 2015

BILL SPONSOR(S): Rep. S. Baker

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to sexual extortion.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 531 to establish the crime of sexual extortion as a felony; provide for enhancements to penalties; create a new section of KRS Chapter 411 to establish a civil cause of action for sexual extortion; amend KRS 17.500 to include sexual extortion in the definition of "sex crime"; create a new section of KRS Chapter 158 to require superintendents of local school districts to notify students in grades six and above and parents and guardians of all students of the crime of sexual extortion; create a new section of KRS Chapter 158 to require local school boards to display posters with the definition of sexual extortion and contact information for entities offering assistance to victims in secondary schools; amend KRS 164.2518 to require postsecondary institutions to display posters with the definition of sexual extortion and contact information for entities offering assistance to victims in residence halls, classroom buildings, and student centers.

## AMENDMENT:

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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.

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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 impact on operational costs by establishing a new Class D, Class C and Class B felony sex 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 felons 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.

Class B felons will serve time in state prison. A Class B Felony sentence is 10 to 20 years. One (1) Class B Felon costs KY \$426,794.50 to \$853,589.00.

Adding a new offense to the definition of "sex crime" would require those offenders to register on the Sex Offender Register and to complete the Sex Offender Treatment Program (SOTP) before being eligible for parole or sentence credits lengthening their overall length of stay. However, the new offense was not added to the Sex Offender Post-Incarceration Supervision (SOPS) statute and therefore would not be required to serve 5 years SOPS.

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)

The legislation would likely have a minimal impact on operational costs at the local level by establishing a new Class D felony sex offense.

Class D felons 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.

Any increase in 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).

Enhancement of a felony class could impact the jail population as more prisoners would be awaiting transfer into an adult institution.

**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