



convicted of any sexual offense, or the person occupied a position of special trust in relation to the victim.

**Section 2** establishes that any individual who violates Section 1 of this Act will be personally responsible for paying actual and punitive damages, court expenses, and reasonable attorney's fees in a civil lawsuit brought by either the victim or the victim's parent or legal guardian if the victim is a minor. Lawsuits under this provision can be filed in either the Circuit Court for the county where the violation occurred or where the victim lives. Individuals found liable under this law will share joint and several liability with others found responsible for the same violation. However, the law does not hold broadband internet access providers, telecommunication services, VoIP providers, mobile service providers, or cable operators liable when acting within their capacity as service providers. Likewise, it exempts interactive computer services from liability related to content provided by their users, as defined by federal law.

**Section 3** amends the definition of “sex crime” to include sexual extortion.

SB 181 would have an indeterminable, though likely slightly negative fiscal impact on local courts and law enforcement. Since this bill creates two new felonies, there is no past conviction data with which to base a projection of the likely number of incarcerations and convictions resulting from this bill. However, each incarceration would represent a cost in the amount detailed in the paragraphs below. Additionally, there may be a higher number of civil suits brought to courts as a result of the provisions of Section 2. However, it is not clear if the higher number of cases would necessitate increased expenditures.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$44.97, which includes the \$35.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$35.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$44.97, which includes the \$35.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$35.34 per day to house these Class C felons. The per diem may be less than, equal to, or greater than the actual housing cost.

**Data Source(s):** LRC Staff; Department of Corrections

**Preparer:** Ryan Brown (BL)      **Reviewer:** KHC      **Date:** 2/9/24