

# CORRECTIONS IMPACT STATEMENT

SESSION: 25RS BILL #: HB 21 Introduced BR #: 51

BILL SPONSOR(S): Rep. J. Hodgson AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to privacy protection.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 411 to define terms and establish limitations on "deep fakes"; create a new section of KRS Chapter 413 to establish a statute of limitations for an action filed for the unlawful dissemination of a deep fake; create a new section of KRS Chapter 519 to establish a criminal penalty for illegally disseminating a deep fake.

## 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 \$122.84. 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 \$47.43 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 at the state level by creating a new Class D Felony. However, DOC does not anticipate many convictions.

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 \$17,313.27 to \$86,566.34.
- Ten (10) Class D Felons cost KY \$173,132.67 to \$865,663.37.
- One hundred (100) Class D Felons cost KY \$1,731,326.74 to \$8,656,633.71.

Currently, there are only 268 inmates in custody and 425 offenders on supervision for crimes related to KRS 519. The population statistics are being provided to offer a reference for the number of offenders who commit similar crimes.

**Population counts and offender data are sourced from the Kentucky Offender Management System (KOMS). Cost to Incarcerate can be found on [corrections.ky.gov/public-information](https://corrections.ky.gov/public-information).**

**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 \$47.43 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 creating a new Class D Felony. However, there is not expected to be many convictions.

