# CORRECTIONS IMPACT STATEMENT

**SESSION: 25RS BILL #: HB 50 Introduced** **BR #: 11**

**BILL SPONSOR(S): Rep. K. Banta, DJ Johnson** **AMENDMENT SPONSOR(S):**

**TITLE: AN ACT relating to sex offenders.**

**SUMMARY OF LEGISLATION: Amend KRS 17.545 to prohibit a registrant from residing within 3,000 feet of a high school, middle school, elementary school, preschool, publicly owned or leased playground, or licensed daycare facility; provide that the 3,000 feet restriction applies to any person who becomes a registrant after the effective date of the Act.**

**AMENDMENT:**

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**This ☒ bill ☐ amendment ☐ committee substitute is expected to:**

| ☒ **Have the following Corrections impact** | ☐ **Have no Corrections impact.** |
|---|---|
| ☐Creates new crime(s) | ☐Repeals existing crime(s) |
| ☒Increases penalty for existing crime(s) | ☐Decreases penalty for existing crime(s) |
| ☐Increases incarceration | ☐Decreases incarceration. |
| ☐Reduces inmate/offender services | ☐Increases inmate/offender services. |
| ☐Increases staff time or positions | ☐Reduces staff time or positions. |
| ☐Changes elements of the offense for existing crime(s) | |
| ☒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 significant increase to operational costs at the state level however the exact fiscal impact for increased operational expenses is unknown.

Sex offenders are required by KRS 532.043 to be supervised by the DOC to a period of postincarceration supervision for 5 years following release. Corrections Policy and Procedure 27-30-02 requires offenders on supervision to have an approved home placement. There are approximately 700 sex offenders released annually. With the current residency restrictions one-third of these offenders require placement at a Residential Service Center (RSC) – approximately 230 offenders each year.

The places offenders can legally live are already limited under the currently 1000 ft guideline. Expanding to 3000 ft would likely create more homeless sex offenders needing placement in Reentry Service Centers (RSCs). The average Cost to Supervise each offender is $4.88 per day compared to the cost to house one (1) offender in a community bed which is $43.96 per day. An increase of $39.08 per day and $14,264.20 per year of supervision.

If sex offenders cannot find an approved placement and one is not provided for them, they are subject to violation of supervision which would result in reincarceration and new offense of Failure to Comply – Class D felony.

Class D sex offenders will be jail eligible if the sentence is less than 2 years and DOC pays counties a per diem for housing those inmates.

- 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.

There are currently only two RSCs that can house sex offenders with residency restrictions. One of which, has schools and/or daycares that fall into the 3,000 feet mark. This bill would reduce the available housing options for sex offenders by 31 beds leaving only 112 RSC beds for sex offenders of supervision to be placed. Losing this placement center would increase the difficult task of finding sufficient housing for offenders who meet these requirements.

***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.***

**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 an increase in operational costs at the local level.

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If sex offenders cannot find an approved placement and one is not provided for them, they are subject to violation of supervision which would result in reincarceration and new offense of Failure to Comply – Class D felony.

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**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**: **2/25/2025**

Commissioner, Kentucky Department of Corrections Date