

CORRECTIONS IMPACT STATEMENT

SESSION: 25RS BILL #: HB 96 HCS 1

BR #: 15

BILL SPONSOR(S): Rep. S. Dietz, K. Banta

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to coercive control.

SUMMARY OF LEGISLATION: Amend KRS 403.720, relating to orders of protection, to define "coercive control" and "stalking"; amend the definition of "domestic violence and abuse" to include coercive control of a family member or member of an unmarried couple; amend KRS 456.010 to define "coercive control"; amend the definition of "dating violence and abuse" to include coercive control of a person with whom the perpetrator is or has been in a dating relationship; amend KRS 209A.122 to require the Administrative Office of the Courts to provide information on petitions for orders of protection where the basis of the petition is coercive control and whether parties to a petition for an order of protection were represented by a legal representative.

AMENDMENT: HCS 1 - Retain original provisions, except amend KRS 403.720 to remove engaging in sexual or reproductive coercion, communicating the intent to contact local or federal agencies based on actual or suspected immigration status, or engaging in vexatious or abusive litigation from the definition of "coercive control"; amend KRS 456.010 to remove engaging in sexual or reproductive coercion, communicating the intent to contact local or federal agencies based on actual or suspected immigration status, or engaging in vexatious or abusive litigation from the definition of "coercive control"; make technical corrections.

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):

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 result in no impact on operational costs at the state level.

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 have minimal impact on operational costs at the local level due to a potential increase in Class A Misdemeanors by expanding the availability of domestic violence orders and interpersonal protective orders. This is likely to result in more orders being granted and potentially more violations occurring. Violating a domestic violence order or interpersonal protective order is considered a Class A misdemeanor.

A Class A misdemeanor is 90 days to 1 year in jail.

- One (1) Class A misdemeanor: \$4,269.02 to \$17,313.27

- Ten (10) Class A misdemeanants: \$42,690.25 to \$173,132.67
- One hundred (100) Class A misdemeanants: \$426,902.48 to \$1,731,326.74

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.

PROJECTED IMPACT FROM AMENDMENTS: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

HCS 1 – No additional impact.

**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:  3/10/2025
Commissioner, Kentucky Department of Corrections Date