

CORRECTIONS IMPACT STATEMENT

SESSION: 25RS BILL #: SB 73

SFA 1/ GA

BR #: 986

BILL SPONSOR(S): Sen. J. Adams

AMENDMENT SPONSOR(S): J. Adams

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 four 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 in schools with the definition of sexual extortion and contact information for entities offering assistance to victims; 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 residential facilities and buildings containing instructional spaces, student services, or academic support services.

AMENDMENT: SFA 1 - Retain original provisions, except to limit sexual extortion to sexual demands when the threat is of a non-sexual nature; classify sexual extortion as a Class A misdemeanor; provide for enhancements to penalty; provide that where the victim has attempted or committed suicide within 90 days of the offense, a prosecution for criminal homicide under KRS Chapter 507 or assault under KRS Chapter 508 may be commenced; provide that written notice of sexual extortion by principals to students in grades 4 and above must be age appropriate; limit display of posters in public school buildings to those containing instructional spaces for students in grades 6 through 12.

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 checked="" 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): | |

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 result in a moderate increase to operational costs at the state level by creating new Class D and Class C sex offenses. Additional provisions are listed in the bill to increase the penalty one (1) class more severely if certain circumstances exist, possibly resulting in a new Class B sex offense. The bill provides circumstances of when sexual extortion could lead to a Class A felony if the victim is under 12 and suffers serious physical injury as a result.

Class D sex offenders would be jail-eligible if the sentence is less than 2 years. 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.

Class C sex offenders would 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 \$224,186.94 to \$448,373.88.

- Ten (10) Class C Felons cost KY \$2,241,869.38 to \$4,483,738.77.
- One hundred (100) Class C Felons cost KY \$22,418,693.84 to \$44,837,387.68.

Class B felons would serve time in state prison. A Class B Felony sentence is 10 to 20 years.

- One (1) Class B Felon costs KY \$448,373.88 to \$896,747.75
- Ten (10) Class B Felons cost KY \$4,483,738.77 to \$8,967,477.54
- One hundred (100) Class B Felons cost KY \$44,837,387.68 to \$89,674,775.36

Class A felons would serve time in state prison. A Class A Felony sentence is 20 years or more.

- One (1) Class A Felon costs KY a minimum of \$896,747.75
- Ten (10) Class A Felons cost KY a minimum of \$8,967,477.54
- One hundred (100) Class A Felons cost KY a minimum of \$89,674,775.36

An increase in the sex offender population based on the creation/expansion of sex offenses would impact contract beds with Reentry Service Centers (RSCs) that house sex offenders with residency restrictions. DOC is currently limited in RSC availability for this population as only two (2) RSCs can house sex offenders.

An increase to the sex offender population based on the creation/expansion of sex offenses could impact Sex Offender Treatment Program (SOTP) beds and the workload of DOC Social Service Clinicians.

Offenses defined as "sex crimes" require those offenders to complete SOTP before being eligible for parole or sentence credits, ultimately lengthening their overall length of stay.

There are currently 543 inmates in custody and 211 offenders on supervision for offenses related to Sex Performance by a Minor. The population statistics are being provided to offer a reference for the number of offenders who commit similar crimes.

This bill classifies sexual extortion as a sex crime, but it does not include it in the list of offenses under KRS 532.043 and 532.060 that require Sex Offender Post-Incarceration Supervision.

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.*

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