

# CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 366

Introduced

BR #: 1676

BILL SPONSOR(S): Rep. DJ Johnson

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to possession or viewing of matter portraying a sexual performance by a minor.

**SUMMARY OF LEGISLATION:** Amend KRS 531.335, relating to possession or viewing of matter portraying a sexual performance by a minor, to provide that the sexual performance may be by a computer-generated image of a minor; provide that any person convicted of possession or viewing of matter portraying a sexual performance by a minor shall not be released on probation or parole without serving 85% of the sentence imposed.

## 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 \$116.41. 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 \$46.51 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 minimal increase in state operational costs due to the inclusion of computer-generated images in an existing offense.

A change to the Kentucky Offender Management System (KOMS) would be needed to accommodate the new offense and the designation of 85%. This level of work would require a change order of approximately \$7,000.

This offense is already considered a sex offense and requires completion of the Sex Offender Treatment Program. Increasing the sentence to 85% would have a very minimal impact on costs.

Class D sex offenders are 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 \$16,975.64 to \$84,878.20
- Ten (10) Class D Felons cost KY \$169,756.40 to \$848,781.99
- One hundred (100) Class D Felons cost KY \$1,697,563.98 to \$8,487,819.88

Class C sex offenders are required to serve time in state prison. A Class C Felony sentence is 5 to 10 years.

- One (1) Class C Felon costs KY \$212,440.64 to \$424,881.28
- Ten (10) Class C Felons cost KY \$2,124,406.41 to \$4,248,812.82
- One hundred (100) Class C Felons cost KY \$21,244,064.09 to \$42,488,128.18

There are currently 403 inmates in custody, and 137 offenders on supervision for Possession of Matter Portraying Sex Performance by Minor. 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](http://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 \$46.51 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)

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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:**   
Commissioner, Kentucky Department of Corrections

**1/30/2026**  
Date