

CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 399

Introduced

BR #: 1825

BILL SPONSOR(S): Rep. C. Massaroni, J. Calloway, T. Roberts

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to sexual offenses against children.

SUMMARY OF LEGISLATION: Amend KRS 510.040, 510.070, and 510.110 to provide that rape in the first degree, sodomy in the first degree, and sexual abuse in the first degree shall be capital offenses when the victim is under 12 years old; amend KRS 532.025 to conform

AMENDMENT:

This bill amendment committee substitute is expected to:

Have the following Corrections impact

Creates new crime(s)

Increases penalty for existing crime(s)

Increases incarceration

Reduces inmate/offender services

Increases staff time or positions

Changes elements of the offense for existing crime(s)

Otherwise impacts incarceration (Explain):

Have no Corrections impact.

Repeals existing crime(s)

Decreases penalty for existing crime(s)

Decreases incarceration.

Increases inmate/offender services.

Reduces staff time or positions.

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 significant increase in operational costs at the state level by enhancing a current offense to a Capital Offense.

The Department of Corrections receives approximately 150 new offenders for these offenses each year. For offenders who are serving life or death in prison, the average time they are incarcerated until death in prison is 25 years.

Sentencing these offenders as capital offenders rather than Class A offenders would result in approximately 850 additional days of incarceration per offender. At a daily incarceration cost of \$116.41, this equates to an increased cost of approximately \$99,000 per offender. Applied to an estimated 150 offenders, the fiscal impact is approximately \$6.4 Million per year. However, this cost increase would not be realized for approximately 17 years following sentencing, which is when these offenders would otherwise be eligible for release. Costs would continue to compound in subsequent years as additional offenders receive increased sentences and offenders remain incarcerated for extended period of time.

This legislation would require an immediate modification to the Kentucky Offender Management System (KOMS). This level of work would require a change order, estimated at \$50,000.

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 \$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)

The legislation would likely result in a minimal decrease in operational costs at the local level by enhancing a Class C felony to a Capital Offense. Class C felons who are currently jail-eligible would no longer be eligible and, in addition to a longer sentence, would have to serve in an institutional bed. The enhancement of felony classifications could increase the controlled intake jail population as offenders await transfer into an adult institution.

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

3/6/2026
Date