

**Local Government Mandate Statement  
Kentucky Legislative Research Commission  
Session**

**Part I: Measure Information**

<b>Bill Request #:</b>	1313	<b>Bill #:</b>	HB 443
<b>Document ID #:</b>	3677	<b>Sponsor:</b>	Rep. James Tipton
<b>Bill Title:</b>	AN ACT relating to sex crimes		

Unit of Government:     City                       County                       Urban-County  
                                   Charter County         Consolidated Local       Unified Local

Office(s) Impacted:    Law Enforcement, Jails

Requirement:             Mandatory             Optional

Effect on Powers & Duties:     Modifies Existing     Adds New     Eliminates Existing

Other Fiscal Statement(s) that may exist:     Actuarial Analysis             Corrections Impact  
     Health Benefit Mandate     State Employee Health Plan

**Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government**

Section 1 amends KRS 510.060 to expand the definition of rape in the third degree to include school employees who engage in sexual intercourse with a student enrolled in an elementary or secondary school with whom they encounter as a result of that employment. Rape in the third degree is classified as a Class D felony.

Section 2 amends KRS 510.090 to expand the definition of sodomy in the third degree to include school employees who engage in sexual intercourse with a student enrolled in an elementary or secondary school with whom they encounter as a result of that employment. Sodomy in the third degree is classified as a Class D felony.

Section 3 amends KRS 510.110 to expand the definition of sexual abuse in the first degree to include school employees who:

1. Subject a student to sexual contact
2. Engages in masturbation in the presence of a student and knows the student is present

3. Engages in masturbation while using the internet, telephone, or other electronic communication device while communicating with a student.

Sexual abuse in the first degree is a Class D felony, unless the victim is under 12 years old, in which case the offense shall be a Class C felony.

**The fiscal impact of HB 443 is indeterminable, but expected to be negative.** The expanded definitions of three crimes include a new group of possible offenders which will theoretically lead to more investigations and incarcerations.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$47.43, which includes the \$35.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$35.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$47.43, which includes the \$35.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$35.34 per day to house these Class C felons. The per diem may be less than, equal to, or greater than the actual housing cost.

**Data Source(s):** LRC Staff; Kentucky Department of Corrections

**Preparer:** TJ **Reviewer:** HT (MDA) **Date:** 1/21/26