

CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 714 Introduced

BR #: 2277

BILL SPONSOR(S): Rep. J. Calloway, R. White

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to unborn children.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 507, relating to criminal homicide, to allow a prosecution where the victim is an unborn child; provide exceptions for spontaneous miscarriages and life-saving medical procedures; amend KRS 507.010 to define terms; create new sections of KRS Chapter 508, relating to assault, to define terms; allow a prosecution where the victim is an unborn child; provide exceptions for spontaneous miscarriages and life-saving medical procedures; create a new section of KRS Chapter 15 to give the Attorney General concurrent jurisdiction with Commonwealth's and county attorneys when the victim is an unborn child; repeal KRS 507A.010, 507A.020, 507A.030, 507A.040, 507A.050, and 507A.060, relating to fetal homicide; amend KRS 439.265 to conform; provide that the Act may be cited as the Prenatal Equal Protection Act.

AMENDMENT:

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 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 \$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 have a minimal impact on operational costs at the state level. Offenses previously sentenced under Fetal Homicide would be sentenced under homicide and assault offenses. In addition, a person charged with murder of an unborn child would be eligible for the death penalty.

Male inmates with a sentence of death are housed at the Kentucky State Penitentiary, which has an average annual cost to incarcerate of \$60,980.99 per inmate. Female inmates with a sentence of death are housed at the Kentucky Correctional Institution for Women at an annual cost of \$48,696.47.

There are currently 28 inmates in custody and 1 offender on supervision for fetal homicide offenses. The population statistics are being provided to offer a reference for the number of offenders who commit similar crimes. There are no statistics to provide in relation to fetal assault.

Population counts and offender data are sourced from the Kentucky Offender Management System (KOMS).

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 have no impact on operational costs at the local level. Offenses previously sentenced under Fetal Homicide would be sentenced under homicide and assault offenses.

There are currently 28 inmates in custody and 1 offender on supervision for fetal homicide offenses. The population statistics are being provided to offer a reference for the number of offenders who commit similar crimes. There are no statistics to provide in relation to fetal assault.

Population counts and offender data are sourced from the Kentucky Offender Management System (KOMS).

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

3/23/2026
Date