

# CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 728

Introduced

BR #: 925

BILL SPONSOR(S): Rep. K. Holloway

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to harassing communications.

**SUMMARY OF LEGISLATION:** Amend KRS 525.080 to enhance the penalty for a harassing communications second offense to a Class A misdemeanor; enhance the penalty for a harassing communications third or subsequent offense and an offense where a person conceals his or her identity to a Class D felony.

## AMENDMENT:

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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.

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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 operational costs at the state level by expanding the penalties for harassing communications. The legislation makes a third or subsequent offense, or if the person intentionally hides their identity, a Class D felony.

Class D felons are housed in a county jail, and DOC pays counties a per diem for housing those inmates. A Class D Felony sentence is 1 to 5 years.

- 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

There are currently 0 inmates in custody and 29 offenders on supervision for harassing communications. 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)

The legislation would likely result in a minimal increase in operational costs at the local level by expanding the penalties for harassing communications. The legislation makes the first offense a Class B misdemeanor, the second offense a Class A misdemeanor, and a third or subsequent offense, or if the person intentionally hides their identity, a Class D felony.

Class D felons are housed in a county jail, and DOC pays counties a per diem for housing those inmates. A Class D Felony sentence is 1 to 5 years.

- 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

Establishing new misdemeanor offenses could result in additional county prisoners being housed in county jails. Misdemeanants are housed at county jails, and associated costs are the responsibility of the local fiscal court. DOC does not incur a cost for misdemeanor offenders.

A Class A misdemeanor is 90 days to 1 year in jail. Misdemeanants are housed at county jails, and associated costs are the responsibility of the local fiscal court. DOC does not incur a cost for misdemeanor offenders.

- One (1) Class A misdemeanor: \$4,185.77 to \$16,975.64
- Ten (10) Class A misdemeanants: \$41,857.74 to \$169,756.40
- One hundred (100) Class A misdemeanants: \$418,577.42 to \$1,697,563.98

A Class B misdemeanor is up to 90 days in jail. Misdemeanants are housed at county jails, and associated costs are the responsibility of the local fiscal court. DOC does not incur a cost for misdemeanor offenders.

- One (1) Class B misdemeanor: up to \$4,185.77
- Ten (10) Class B misdemeanants: up to \$41,857.74
- One hundred (100) Class B misdemeanants: up to \$418,577.42

There are currently 0 inmates in custody and 29 offenders on supervision for harassing communications. 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).*

**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.

