

CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 778

Introduced

BR #: 1754

BILL SPONSOR(S): Rep. N. Wilson, S. Heavrin

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to child welfare.

SUMMARY OF LEGISLATION: Amend KRS 199.462 to prohibit an individual from being approved to provide foster care or relative caregiver services to a child, be considered a fictive kin placement for a child, or to receive a child for adoption if the individual or an adult or minor child living in the individual's is on the adult or juvenile sex offender registry; amend KRS 199.801 related to placement requirements for children in the custody of the state; amend KRS 600.020 to update definitions for "diversion agreement," "eligible youth," and "informal adjustment"; amend KRS 610.030 to establish which individuals shall have access to diversion agreements related to juvenile court cases; amend KRS 610.345 to expand the list of individuals that a judge shall notify when a child is adjudicated guilty of an offense which classifies him or her as a youthful offender to include school superintendents, school directors of pupil personnel, and school resource officers; amend KRS 620.050 to expand the list of individuals or entities that can have access to a report of suspected child abuse, neglect, or dependency; remove certain individuals and entities that could have access to files, reports, notes, photographs, records, electronic and other communications, and working papers used or developed by a children's advocacy center related to child welfare investigations; to allow medical professionals to administer comprehensive urine drug screens on children when they suspect abuse or neglect; allow external child fatality and near fatality review panel to access additional data; amend KRS 620.055 to allow the child fatality and near fatality review panel to compel the attendance of members from an investigating agency to discuss cases in closed session; amend KRS 620.140 to expand the ability for a dependent, neglected, or abused youth to request to have his or her commitment extended or reinstated beyond the age of 18 up to the age of 21; create a new section of KRS Chapter 211 to define and establish requirements for "plan of safe care" and "plan of care safety assessment review" related to substance-exposed infants; create a new section of KRS Chapter 625 related to reporting of involuntary termination of parental rights; amend KRS 508.090 to define "controlled substance" and "abuse or neglect"; amend KRS 508.100 and 508.110 to conform; amend KRS 508.120 to enhance the penalty of abuse in the third degree if the victim is under 13 years old and suffered serious physical injury as a result of ingesting or inhaling a controlled substance; amend KRS 15.440 to require law enforcement agencies to possess a policies and procedures manual related to pediatric ingestion or inhalation of controlled substances; amend various sections to require continuing education on pediatric ingestion or inhalation of controlled substances for certain professionals.

AMENDMENT:

This bill amendment committee substitute is expected to:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Have the following Corrections impact | <input type="checkbox"/> Have no Corrections impact. |
| <input checked="" type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input 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 checked="" 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)

This legislation would have a minimal fiscal impact on DOC by expanding the definition of existing laws, modifying from a Class C to a Class B felony, and creating a new Class D Felony

Class B felons will serve time in state prison. A Class B Felony sentence is 10 to 20 years.

- One (1) Class B Felon costs KY \$424,881.28 to \$849,762.56
- Ten (10) Class B Felons cost KY \$4,248,812.82 to \$8,497,625.64
- One hundred (100) Class B Felons cost KY \$42,488,128.18 to \$84,976,256.37

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

The bill would also require modifications to the Kentucky Offender Management System (KOMS), additional felony options for criminal abuse and neglect due to enhanced penalties, with an estimated implementation cost of \$15,000.

There are currently 345 inmates in custody and 571 offenders on supervision for criminal abuse offenses. 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.

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 definition of an existing Class D Felony and Class A misdemeanor and creating a new 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

Expanding the definition of existing misdemeanor offenses could result in additional county prisoners being housed in county jails. 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

There are currently 345 inmates in custody and 571 offenders on supervision for criminal abuse offenses. 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.

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