

# CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: SB 132

Introduced/GA

BR #: 1644

BILL SPONSOR(S): Sen. S. Funke Frommeyer

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to massage therapy.

**SUMMARY OF LEGISLATION:** Amend KRS 309.364 to confer authority on local governments to regulate massage therapy businesses relating to zoning requirements, occupational licensing or fees, and inspections, advertising, hours of operation, and sanitation; amend KRS 309.3535 to increase violation penalty from a Class B misdemeanor to Class A misdemeanor for each massage performed without a license.

## 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 have no impact on operational costs at the state level.

**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 enhancing a Class B misdemeanor to a Class A misdemeanor and specifying that each massage performed without a license constitutes a separate offense.

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

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)

