

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # SB 115

SCS 1 BR # 1286 DOC ID #: xxxx

BILL SPONSOR(S): Sen. L. Tichenor, G. Williams, G. Boswell, A. Southworth, P. Wheeler, M. Wilson

AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to adult-oriented businesses.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 231 to express the findings of the General Assembly relating to adult-oriented businesses and the need for regulation; define terms; establish distance parameters for the location of adult-oriented businesses in proximity to identified entities and locations; establish transition provisions for existing businesses; affirm the authority of local governmental units to supplement regulation of adult-oriented businesses.

AMENDMENT: Remove original provisions; create a new section of KRS Chapter 525 to define "adult performance"; establish the offense of engaging in an adult performance; establish penalties; create a new section of KRS Chapter 231 to establish available sanctions for allowing an adult performance at a business when minors are present.

This ☐ bill ☐ amendment ☒ committee substitute is expected to:

☒ Have the following Corrections impact ☐ 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 checked="" 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 offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain) . | |
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STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$105.23. 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 a jail is \$40.11 per day, which includes \$35.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included).*

Projected Impact: ☒ NONE ☐ MINIMAL to MODERATE (< \$1 million) ☐ SIGNIFICANT (> \$1 million)

There is no impact to the Department of Corrections as originally introduced.

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. The estimated impact will be based on the \$40.11 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)

There is no impact to the Department of Corrections as originally introduced.

PROJECTED IMPACT FROM AMENDMENTS:

☐ NONE ☒ MINIMAL to MODERATE (< \$1 million) ☐ SIGNIFICANT (> \$1 million)

State Impact from SCS 1:

Establishing new felony and misdemeanor offenders would impact the number of offenders potentially incarcerated and/or placed on supervision.

While there is no way to predict the number of new convictions this legislation would generate, the number of convictions would likely be few. The expected impact to the Department under this legislation would be minimal increase to incarceration costs.

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 \$14,638.94 to \$73,194.71.

Local Impact from SCS1:

Establishing new felony and misdemeanor offenses could result in additional county prisoners being housed in county jails, but the impact is expected to be minimal.

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 \$14,638.94 to \$73,194.71.

Misdemeanor offenders are subject to the jurisdiction and cost of the county. A Class A misdemeanor is 90 days to 1 year in jail. A Class B misdemeanor is up to 90 days in jail.

**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, lengthens the term or incarceration, or impose new obligations on state or local governments.

APPROVED BY: _____



Chief of Staff, Kentucky Department of Corrections

3/9/2023

Date