

# CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 44 Introduced BR # 204 DOC ID #: xxxx

BILL SPONSOR(S): Rep. J. Gooch Jr. AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to key infrastructure asset.

**SUMMARY OF LEGISLATION:** Amend KRS 511.100 to change the definition of "key infrastructure assets" to specify that natural gas or petroleum pipelines are the type of pipelines covered in the definition and include other types of infrastructure assets; amend KRS 512.020 to include tampering with, impeding, or inhibiting operations of a key infrastructure asset in the offense of criminal mischief in the first degree; create a new section of KRS 411 that a civil action may be maintained against a person that compensates or remunerates a person to violate KRS 512.020 and the compensated person is convicted of criminal mischief in the first degree.

**AMENDMENT:** .

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This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact  Have no Corrections impact

- |   |  |
|---|--|
| <input 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 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 \$75.91. Community Custody Class C and most Class D felons are housed in one of seventy-seven (77) full service or regional jails for up to five (5) years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$36.70 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included). *Projections are based on the daily rate x 365 days x number of years. Offenders may have multiple offenses or incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

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

The legislation modifies key infrastructure assets under KRS 511.100. Natural gas or petroleum pipelines, steelmaking facilities utilizing electric arc furnaces, cable television headend, and facilities regulated by Department of Homeland Security for chemical and anti-terrorism standards are added to the list of key infrastructure assets.

Trespass of Key Infrastructure Assets is a Class B misdemeanor for the first offense, and a Class A misdemeanor for a second or subsequent offense.

Tampering with, impeding, or inhibiting operations of a key infrastructure asset is added to the definition of Criminal Mischief 1<sup>st</sup> Degree under KRS 512.020. Criminal Mischief 1<sup>st</sup> Degree is a Class D felony.

It is not possible to estimate how many additional convictions for Criminal Mischief 1<sup>st</sup> Degree would be generated under the legislation, though application under KRS 511.100 would be expected to be limited.

The legislation also establishes civil liability for persons that knowingly compensates or remunerates a person to tamper with, impede, or inhibit operations of a key infrastructure asset and the person is subsequently convicted of criminal mischief in the 1<sup>st</sup> Degree.

Included in the list of key infrastructure assets under KRS 511.100 are correctional facilities within Kentucky.

The legislation would widen the behavior that could qualify for trespass of key infrastructure assets or criminal mischief. The application of the offense to Criminal Mischief provides for a felony penalty not currently provided for under KRS 511.100. These Class D offenders would be housed, by statute, in a local detention center.

