

CORRECTIONS IMPACT STATEMENT

SESSION: 15RS BILL #: HB 135 Introduced BR #: 334 DOC ID#: BR033400.100 - 334 - 774

BILL SPONSOR(S): Rep. M. Harmon, K. King AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to driving under the influence.

SUMMARY OF LEGISLATION: Amend various sections in KRS Chapter 189A, relating to driving under the influence, to restructure the existing penalties from a four-tiered structure to a three-tiered structure; expand the look-back window for prior offenses from five years to ten years, and to allow forfeiture of motor vehicles used in a DUI if the operator's license had been previously suspended; amend KRS 281A.2102 to conform.

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) _____ | |

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$60.38. Most Class D felons are housed in one of 79 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$32.92 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

Projected Impact: NONE MINIMAL MODERATE SIGNIFICANT

Potential Cost: Section 1 Expands the Class D felony for driving under the influence from fourth offense within five years to third offense within ten years. Section 5 changes the Class D felony for driving on a revoked or suspended license or without a functioning ignition interlock device when ordered to use one from a third offense within a five year period to a third offense within a ten year period. During the course of CY2014 there were 90 cases in Circuit Courts throughout Kentucky that had a conviction for DUI 3rd offense and 743 cases in District Courts throughout Kentucky with a conviction for DUI 3rd offense. If DUI third-offense convictions were changed to from a Class A misdemeanor to a Class D felony per these provisions, the impact would be significant due to the costs associated with incarceration.

A Class D Felony sentence is 1 to 5 years. 10 Class D Felons cost \$120,145 to \$600,724.
1 Class D Felon costs Ky. \$12,014 to \$60,072. 100 Class D Felons cost \$1.2M to \$6M.

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. While the expense varies by jail, this estimated impact will be based on \$32.25 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Potential Cost: Section 1 And Section 5 expand the Class A and Class B misdemeanors for driving under the influence or on a revoked/suspended license or without a functioning ignition interlock device when ordered to use one from within a five year period to within a ten year period.

Based on the \$32.25 per diem rate, the local impact is estimated as follows:

A Class A misdemeanor is 90 days to 1 year in jail	10 Class A misdemeanants: \$29,025 to 117,713.
1 Class A misdemeanor: \$2,903. to \$11,771.	100 Class A misdemeanants: \$290,250 to \$1.1M.
A Class B misdemeanor is up to 90 days in jail.	10 Class B misdemeanants: up to \$28,703.
1 Class B misdemeanor: up to \$2,870.	100 Class B misdemeanants: up to \$287,025.

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 or that impose new obligations on state or local governments.

APPROVED BY: _____

Commissioner, Kentucky Department of Corrections

_____ Date