

# CORRECTIONS IMPACT STATEMENT

SESSION: 15RS BILL #: HB 385 Introduced BR #: 1029 DOC ID#: BR102900.100 - 1029 - 1782

BILL SPONSOR(S): Rep. K. Sinnette AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to boat dock and marina safety. .

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 235 to establish standards for marina and boat dock owners and operators to prevent electrical shocks to persons in boats, in water, and on docks around the marina; prohibit swimming within 50 yards of a boat dock or marina, except for reasons of search and rescue; exempt boat dock or marina operators who are in compliance from criminal or civil liability for injuries resulting from unauthorized swimming within the restricted 50-yard area; require marina and boat dock compliance by August 1, 2016; amend KRS 235.010 to amend the definition of "marina" to include a boat dock; establish definitions for "boat dock" and "boat dock or marina owner or operator"; amend KRS 235.200 to require any equipment meeting the American Boat and Yacht Council standards to protect the public from electrical shocks; require electrical wiring onboard a vessel to be performed by a licensed electrician or master electrician; amend KRS 235.990 to establish penalties for violations.

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 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 78 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

Creates no new felonies.

**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 Impact: Section 4 Provides that a boat dock or marina owner or operator who violates provisions regarding electrical safety and the violation results in the injury of a person, shall be guilty of a Class B misdemeanor; and a boat dock or marina owner whose violation results in the death of a person, shall be guilty of a Class A misdemeanor.

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

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

**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