

# CORRECTIONS IMPACT STATEMENT

SESSION: 15RS BILL #: HB 388 Introduced BR #: 1119 DOC ID#: BR111900.100 - 1119 - 1939

BILL SPONSOR(S): Rep. J. Kay AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to driving under the influence of controlled substances.

SUMMARY OF LEGISLATION: Amend KRS 189A.010 to expand the list of controlled substances that are included under per se driving under the influence.

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 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

Potential Impact: Section 1 Would expand the list of controlled substances relating to driving under the influence. Although it is not possible to project how many convictions this may generate it does have the potential to increase costs associated with incarceration. Driving under the influence for a fourth or subsequent offense within a five (5) year period is a Class D felony.

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 Impact: Section 1 Would expand the list of controlled substances relating to driving under the influence. Although it is not possible to project how many convictions this may generate it does have the potential to increase costs associated with incarceration. The incarceration period for driving under the influence for a first, second, or third offense ranges from 48 hours to 12 months in jail.

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 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