

CORRECTIONS IMPACT STATEMENT

SESSION: 15RS **BILL #:** HB 41 **BR #: 195** **DOC ID#: BR019500.100 - 195 - 378**

BILL SPONSOR(S): Rep. Tom Burch **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to treatment of substance abuse.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 205 to require the Department for Medicaid Services to provide a substance abuse benefit and to require an annual report to the LRC concerning the status of substance abuse treatment in Kentucky; expand availability of drug naloxone by allowing a person or agency, including a peace officer or a first responder, to receive a naloxone prescription; create new sections of KRS Chapter 218A to provide immunity for persons seeking emergency help in drug overdose situations; prohibit substance abuse treatment programs from discriminating against pregnant women; amend KRS 218A.500 to permit a local health department to operate a hypodermic exchange; permit a peace officer to ask if an individual has a sharp object before a search and if the individual complies allow that object to not be charged as drug paraphernalia; amend KRS 202A.081 to expand community-based outpatient treatment for certain defendants; amend KRS 100.982 to mirror federal law; include noncodified language encouraging the Cabinet for Health and Family Services to study certain opioid treatment initiatives, establish an evidence-based treatment task force relating to the disease of addiction, develop county and regional wraparound teams for opioid addiction, collaborate with medical schools and post-graduate training programs to include ten hours of coursework on addiction for all medical professionals, increase continuing education units for medical and health professionals relating to the disease of addiction, and make legislative recommendations to the Interim Joint Committee on Health and welfare; require the Department of Criminal Justice Training to offer voluntary regionalized in-service training on the topic of heroin for law enforcement officers.

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 checked="" 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 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 Impact: Section 6 (a) & (b) would permit a peace officer to ask if an individual has a sharp object before a search and if the individual complies allow that object to not be charged as drug paraphernalia. This subsection would allow jail or prison inmates, offenders under probation or parole supervision, visitors, and/or vendors at secured facilities to avoid consequences for promoting contraband, including edged weapons and other dangerous contraband, which place staff at risk, by simply admitting they have such an item. In turn, making it easy to avoid the consequences for promoting dangerous contraband in correction facilities would encourage more inmates to attempt to smuggle and use such contraband, including both drugs and weapons that could be used to injure other inmates and staff members. In the probation or parole setting, allowing probationers and parolees to easily avoid the consequences of possession of drug paraphernalia and some prohibited deadly weapons would defeat the efforts of probation and parole officers to regulate the conduct of the offender and to use various sanctions to encourage him or her to comply with the law and their conditions of supervision. DOC would request an exemption for: prisoners of correction facilities, probationers and parolees, and any visitor or vendor at secured facilities from the effect of this statute.

CONTINUED

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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.

Creates no new misdemeanor offenses.

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 DOCJT

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