

CORRECTIONS IMPACT STATEMENT

SESSION: 15RS

BILL #: HB 60 HCS

BR #: 270

DOC ID#: BR027000.100 - 270 - 656

BILL SPONSOR(S): Rep. Dennis Keene **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to driving under the influence.

SUMMARY OF LEGISLATION: Amend various sections in KRS Chapter 189A relating to DUI to replace the current hardship license system with an ignition interlock licensing system.

HCS - Amend KRS 189A.440 to clarify who is subject to the conditions imposed by the issuance and use of an ignition interlock device when operating a motor vehicle; amend KRS 189A.440 to provide that if a person violates the terms of their ignition interlock device the court may order the revocation of that person's license for a period of the initial license revocation plus an additional six months or the court may allow the continued use of an ignition interlock license if the person: (1) installs an ignition interlock device capable of monitoring the person via camera or other means; and (2) continues to comply with the court-ordered terms of the ignition interlock device; provide that if a person who is granted continued use of an ignition interlock device with camera monitoring commits a second violation, he or she is guilty of a Class D felony and will have his or her license revoked for the initial period of revocation plus an additional six months.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input checked="" 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 checked="" 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 12. Would create a Class D felony charge for any defendant who violates the installation of an ignition interlock device that identifies the person operating the device by means of a camera or other identification and monitoring technology. Although, it is not possible to project the number of convictions this could generate, this could increase 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 Impact: Section 12. Would create a Class A misdemeanor charge for any defendant who violates the the provisions of subsection (2)(a) - Revoke the defendant's license for the initial period of revocation plus an additional six (6) months.

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