

CORRECTIONS IMPACT STATEMENT

SESSION: 15RS

BILL #: SB 12

BR #: 56

DOC ID#: BR005600.100 - 56 - 107

BILL SPONSOR(S): Sen. J. Schickel AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to trafficking in heroin.

SUMMARY OF LEGISLATION: Amend KRS 218A.1412 to require that persons who violate that section by trafficking in heroin be charged as Class C felons for the first offense and to require that those persons serve at least 50% of the sentence imposed for the violation before being released on probation or parole.

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 checked="" 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 checked="" 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 Impact: Section 1 Requires that anyone convicted of trafficking in heroin 1st offense, regardless of the quantity, shall be guilty of a Class C felony. Currently, trafficking in heroin 1st degree less than two grams is a Class D felony for a first offense. By removing the quantity threshold for heroin, incarceration timeframes are expected to increase from 1-5 years (Class D felony) to 5-10 years (Class C felony) and is expected to increase costs associated with longer periods of incarceration. One Class D Felony sentence of 1 - 5 years costs Kentucky an average of \$12,014 - \$60,072 yearly. One Class C Felony sentence of 5-10 years costs Kentucky an average of \$110, 191 - \$220, 382. Additionally, by removing the quantity threshold for heroin will also impact the substance abuse treatment program with the Department by increasing attendance, create longer waiting lists based on bed availability, and increase administrative costs associated with providing treatment.

A Class C Felony sentence is 5 to 10 years. 10 Class C Felons cost \$1.1M to \$2.2M.

1 Class C Felon costs Ky. \$110,191 to \$220,382. 100 Class C Felons cost \$11M to \$22M.

Section 1 also requires that anyone convicted of trafficking in heroin shall serve fifty percent of the sentence imposed prior to being eligible for probation, shock probation, conditional discharge, or parole. Currently, an inmate convicted of trafficking in heroin is required to serve twenty percent of the sentence imposed prior to becoming eligible for parole. Increasing the parole eligibility rate from twenty percent to fifty percent could potentially increase costs associated with a longer period of incarceration.

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

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