

CORRECTIONS IMPACT STATEMENT

SESSION: 15RS

BILL #: SB 28 Prefiled

BR #: 229

DOC ID#: BR022900.100 - 229 - 694

BILL SPONSOR(S): Sen. M. Wilson, C. Embry Jr.

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to the placement of illegal gambling devices in business establishments and declaring an emergency.

SUMMARY OF LEGISLATION: Amend KRS 528.010 to include in the definition of "gambling device" an electronic device used to facilitate Internet gambling and to define "simulated gambling program"; EMERGENCY.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

Creates new crime(s)

Repeals existing crime(s)

Increases penalty for existing crime(s)

Decreases penalty for existing crime(s)

Increases incarceration

Decreases incarceration

Reduces inmate/offender services

Increases inmate/offender services

Increases staff time or positions

Reduces staff time or positions

Changes elements of offense for existing crime(s)

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 Would expand the definition in KRS 528.010 to include any mechanical or electronic device permanently located in a business establishment that is offered or made available to a person to play or participate in a simulated gambling program in return for direct or indirect consideration. Promoting Gambling in the first degree is a Class D felony. While there is no way to estimate the number of individuals who will be affected by this bill, it is expected to have minimal impact on DOC.

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 definition in KRS 528.010 to include any mechanical or electronic device permanently located in a business establishment that is offered or made available to a person to play or participate in a simulated gambling program in return for direct or indirect consideration. Promoting Gambling in the second degree is a Class A misdemeanor.

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