

CORRECTIONS IMPACT STATEMENT

SESSION: 15RS BILL #: SB 28 SCS BR#: 229 DOC ID#: SB002840.100 - 229- 4406

BILLSPONSOR(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.

SCS/LM/CI - Remove duplicative language relating to specific devices.

This bill amendment committee substitute is expected to:

[X] 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
[X] 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 \$3292 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 X 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. 100

1 Class D Felon costs Ky. \$12,014 to \$60,072. 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 pay 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:

X 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: [Signature] Commissioner, Kentucky Department of Corrections

2/26/15 Date