

CORRECTIONS IMPACT STATEMENT

SESSION: 15RS

BILL #: SB 34 SCS

BR #: 215

DOC ID#: SB003440.100 - 215 - 2938

BILL SPONSOR(S): Sen. Dennis Parrett and Whitney Westerfield **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to driving under the influence and declaring an emergency.

SUMMARY OF LEGISLATION: Amend various sections in KRS Chapter 189A, relating to driving under the influence, to expand the look-back window for prior offenses from five years to ten years.

SCS/LM/CI - Amend various sections in KRS Chapter 189A, relating to driving under the influence, to expand the look-back window for prior offenses from five years to 10 years; amend KRS 189A.330 to expand the window for quarterly reporting of pending DUI cases; declare an EMERGENCY.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

Creates new crime(s)

Increases penalty for existing crime(s)

Increases incarceration

Reduces inmate/offender services

Increases staff time or positions

Changes elements of offense for existing crime(s)

Otherwise impacts incarceration (Explain) _____

Repeals existing crime(s)

Decreases penalty for existing crime(s)

Decreases incarceration

Increases inmate/offender services

Reduces staff time or positions

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 Expands the Class D felony for driving under the influence from fourth offense within five years to third offense within ten years. Section 3 changes the Class D felony for driving on a revoked or suspended license or without a functioning ignition interlock device when ordered to use one from a third offense within a five year period to a third offense within a ten year period. During the course of CY2014 there were 90 cases in Circuit Courts throughout Kentucky that had a conviction for DUI 3rd offense and 743 cases in District Courts throughout Kentucky with a conviction for DUI 3rd offense. If DUI third-offense convictions were changed to from a Class A misdemeanor to a Class D felony per these provisions, the impact would be significant due to the costs associated with incarceration.

A Class D Felony sentence is 1 to 5 years.

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

10 Class D Felons cost \$120,145 to \$600,724.

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 And Section 5 expand the Class A and Class B misdemeanors for driving under the influence or on a revoked/suspended license or without a functioning ignition interlock device when ordered to use one from within a five year period to within a ten year period.

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

1 Class A misdemeanor: \$2,903. to \$11,771.

10 Class A misdemeanants: \$29,025 to 117,713.

100 Class A misdemeanants: \$290,250 to \$1.1M.

A Class B misdemeanor is up to 90 days in jail.

1 Class B misdemeanor: up to \$2,870.

10 Class B misdemeanants: up to \$28,703.

100 Class B misdemeanants: up to \$287,025.

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