

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 117

BR #: 84

DOC ID#:

BILL SPONSOR(S): Rep. J. DuPlessis, T. Moore, S. Santoro, J. Tipton

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to driving under the influence.

SUMMARY OF LEGISLATION: Amend various sections in KRS Chapter 189A, relating to driving under the influence, to provide that, regarding the five-year look back provision, anyone who violates the provisions of KRS 189A.010 is restricted to one first-time offense during his or her lifetime; and require that subsequent offenses during any five year lookback period be construed as a conviction of a second offense.

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 type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input 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 \$61.09. Most Class D felons are housed in one of 78 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$31.92 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

Section

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 \$31.34 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Potential Cost: Section 1 The proposed legislation would result in an increase in the number of persons incarcerated for a misdemeanor charge related to DUI after their first offense.

A Class B misdemeanor is up to 90 days in jail. 1 Class B misdemeanor: up to \$2,870. 10 Class B misdemeanors: up to \$28,703. 100 Class B misdemeanors: up to \$287,025.

A Class A misdemeanor is 90 days to 1 year in jail. 1 Class A misdemeanor: \$2,903. to \$11,771. 10 Class A misdemeanors: \$29,025 to 117,713. 100 Class A misdemeanors: \$290,250 to \$1.1M.

Based on the \$31.34 per diem rate, the local impact is estimated as follows:

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