

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 208 GA

BR #: 494

DOC ID#:

BILL SPONSOR(S): Rep. T. McKee, M. Denham, R. Crimm, S. Riggs

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to the Prescribed Fire Program.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 149 to establish definitions for "cabinet," "certified prescribed fire boss," "division," "prescribed fire," and "prescribed fire program" and require the Energy and Environment Cabinet to promulgate administrative regulations no later than July 15, 2017, to develop a comprehensive prescribed fire program and a training, education, and experience for certified prescribed fire boss; require approval of a prescribed fire plan by the Division of Forestry prior to a burn; provide liability coverage requirements for the certified prescribed fireboss; require the fire boss to be in conduct of the prescribed fire at all times; establish waiver of liability coverage for prescribed fires conducted by state employees as a part of their employment duties; allow for recovery of public damages from the Board of Claims; declare prescribed fire use as in public interest and not a nuisance to the public; amend KRS 149.400 to exempt prescribed fire from the fire seasons and require prescribed fire use be approved by the Division of Forestry; amend KRS 149.401 to exempt prescribed fire use from local ordinances banning all open burning; amend KRS 149.990 to make conduct of prescribed fire by persons who are not certified and do not meet requirements of the act subject to fine, imprisonment, or both.

HB208 - AMENDMENTS

HCS1/CI/LM - Delete all sections of the bill in its entirety; allow the Division of Forestry to exempt a person certified by the Kentucky Prescribed Fire Council's Burn Boss program from the requirements of KRS Chapter 149 except that prescribe fires shall not be set during local burn bans or red flag warning days; require persons exempted to give notice to the Division of Forestry 24 hours prior to the burn and notice to local landowners and local EMS the day of the burn.

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 \$32.51 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
\$0-\$1,000,000 \$1,000,000- \$5,000,000 \$5,000,000- Up

Creates no new felonies. The Proposed legislation has no impact on the Department of Corrections.

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 \$31.92 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Projected Impact: NONE MINIMAL MODERATE SIGNIFICANT

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