

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 375

BR #: 1171

DOC ID#:

BILL SPONSOR(S): Rep. D Floyd **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to unmanned aerial vehicles.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 525 to prohibit a person from weaponizing an unmanned aerial vehicle; create a new section of KRS Chapter 381 to allow a person who owns or lawfully occupies real property to bring an action for trespass against the owner or operator of an unmanned aerial vehicle under certain circumstances; create a new section of KRS Chapter 431 to regulate use of unmanned aerial vehicles by law enforcement; create a new section of KRS Chapter 15A to require the Justice and Public Safety Cabinet to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies, to adopt regulations limiting the public purposes for which an agency may operate an unmanned aerial vehicle, and to submit an annual report to the Legislative Research Commission outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles; create a new section of KRS Chapter 183 to regulate use of unmanned aerial vehicles by public agencies; create a new section of KRS Chapter 183 to prohibit a person from operating an unmanned aerial vehicle within a certain distance from critical facilities or an airport; amend KRS 446.010 to define "unmanned aerial vehicle."

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input checked="" 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

Potential Impact: The proposed legislation states that a person shall not weaponize an unmanned aerial vehicle or operate a weaponized unmanned aerial vehicle. Violation of the proposed legislation (except in Subsection 3) would be a class D felony. A person who weaponizes an unmanned aerial vehicle and who discharged the weapon is guilty of a Class C felony. While there would be an impact by creating two new felony charges, the suspected impact is expected to be minimal. 1 Class D Felon costs Ky. \$11,866 to \$60,072. 10 Class D Felons cost \$118,660 to \$600,720. 100 Class D Felons cost \$1.2M to \$6M. A Class C Felony sentence is 5 to 10 years. 1 Class C Felon costs Ky. \$111,489 to \$222,979. 10 Class C Felons cost \$1.1M to \$2.2M. 100 Class C Felons cost \$11M to \$22M.

Each new misdemeanor required to serve time in a county jail may pose costs to the state if these additional misdemeanants reduce the Department of Corrections' ability to utilize county jail beds. Specifically, if jail beds are exhausted by county inmates, this reduces the number of beds available to the Department to house nonviolent Class C and Class D felons. In addition to this, the Department indicated that it costs the state \$.057 per county inmate per day to utilize the Department's contract medical, dental, and psychological care access plan pursuant to KRS 441.053.

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

Potential Impact: The proposed legislation creates a Class A misdemeanor for a person who violates section 2 of the proposed legislation. The potential impact is expected to be minimal.

A Class A misdemeanor is 90 days to 1 year in jail

10 Class A misdemeanants: \$28,728 to 116,500.

1 Class A misdemeanor: \$2,873. to \$11,650.

100 Class A misdemeanants: \$287,300 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