

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 4 GA

BR #: 958

DOC ID#:

BILL SPONSOR(S): Rep. R. Adkins

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to synthetic drugs and declaring an emergency.

SUMMARY OF LEGISLATION: Amend KRS 218A.1430 to provide an increased penalty structure for trafficking in or possession of synthetic drugs; amend KRS 218A.1401, 530.064, and 530.065 to conform; EMERGENCY.

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 checked="" 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 checked="" 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

Potential Cost: The proposed legislation would increase the penalty for trafficking in synthetic drugs from a Class A misdemeanor for the first offense to a Class D felony for the first offense. The second or subsequent offense would increase from a Class D felony to a Class C felony.

Currently there is one person incarcerated for the crime of trafficking in synthetic drugs. According to the Administrative Office of the Courts there have been 142 Class A misdemeanor convictions for trafficking in synthetic drugs 1st degree in CY2015. If the 142 individuals were serving on a Class D Felony it would cost the Department of Corrections an average cost of \$5,257,598 per year to house these individuals. An additional 107 convicted charges had sentencing time probated, suspended or conditionally discharged. Two (2) cases with the requested sentenced charge had shock probation granted.

Additionally, the proposed legislation removes synthetic drugs from the exception for KRS 218A.1401 Section 2. (1). Under this section a person would be guilty of selling a controlled substance (including synthetic drugs) to a person under 18 years of age. In Section 3. KRS 530.064 (1) (b) is amended to include synthetic drugs the Unlawful transaction with a minor first degree. While the actual impact of these changes is unknown at this time, both changes add synthetic drugs to the charges and carry a penalty of a Class C Felony.

The impact to the Department of Corrections would be significant due to the costs associated with incarceration as well as the costs of supervision of the cases probated.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$118,660 to \$600,720.

1 Class D Felon costs Ky. \$11,866 to \$60,072.

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 \$31.34 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 would reduce the number of offenders serving in local facilities on the misdemeanor charge of Trafficking in synthetic drugs. This would result in a cost saving for the local facilities. The Department of Corrections houses Class D Felons in local facilities. The increase in individuals serving on Class D felonies would increase the number of

individuals housed in local facilities.

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