

# CORRECTIONS IMPACT STATEMENT

SESSION: 16RS BILL #: HB 4 SCS 1 BR #: 958 DOC ID#:

BILL SPONSOR(S): Rep. R. Adkins, M. Denham, M. King, K. Sinnette, T. Thompson 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.

HB4 - AMENDMENTS

SCS1/CI/LM - Add two fentanyl derivatives to Schedule I; move hydrocodone from Schedule III to Schedule II; preserve prescriptive authority of Advanced Practice Registered Nurses and optometrists.

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 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 \$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:** This 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. The proposed legislation would also increase the number of individuals incarcerated for Possession of synthetic drugs 2<sup>nd</sup> offense, Class D 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 146 Class A misdemeanor convictions for trafficking in synthetic drugs 1st degree in CY2015. 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. The impact to the Department of Corrections would be minimal due to the costs associated with incarceration as well as the costs of supervision of the cases probated. Based on the numbers provided by AOC, if 10% of the individuals convicted were sentenced to incarceration, that would be 25 individuals serving on a Class D Felony. It would cost the Department of Corrections \$308,516 per year to house these individuals. Possession of Synthetic Drugs 2<sup>nd</sup> would be a Class D felony. The impact is expected to be minimal.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$118,660 to \$593,310.

1 Class D Felon costs Ky. \$11,866 to \$59,331.

100 Class D Felons cost \$1.1M to \$5.9M.

**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 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 proposed legislation would increase the number of individuals serving on conviction of a Class A misdemeanor of Possession of a synthetic drug first offense. The impact would be expected to be minimal.

**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