

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 445

BR #: 1649

DOC ID#:

BILL SPONSOR(S): Rep. Coursey **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to the protection of critical infrastructure.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 438 to define "critical infrastructure," "unmanned aircraft," and "unmanned aircraft system," and to clarify what is not included in the term "unmanned aircraft system"; create a new section of KRS Chapter 438 to prohibit the use of an unmanned aircraft system to collect evidence or information about critical infrastructure without prior written consent and make the unlawful use of an unmanned aircraft system for this purpose a Class A or Class B misdemeanor; create a new section of KRS Chapter 438 providing for damages to the owner of critical infrastructure.

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

Creates no new felonies. Since this bill does not create any new felonies, it will not have an impact on Department of Corrections (DOC) incarceration rate. The bill has the potential to increase the number of offenders in jails serving on misdemeanor offenses and DOC costs associated with county inmates in jail.

Increases in Cost of Providing County Inmates Access to Medical Network-The Department is responsible for payment for county offenders to be afforded access to medical network. The cost is calculated as follows: \$0.055 times the County Jail ADP for the month not to exceed \$165,958 based on a negotiated ADP of 8,318. Any increases in population beyond these parameters would require DOC to negotiate to amend the contract for the corresponding increased cost.

Increase in the Cost of Housing County Offenders for Medical Treatment – KRS 441.560 - Jails may request that a county offender be admitted to a DOC institution for treatment of catastrophic medical conditions. The Department assumes the cost of housing and medical care. In FY15 \$627,985 were expended for these admissions.

Acceleration in Depletion of Catastrophic Medical Fund – KRS 441.045 -The Department's Catastrophic Medical fund is utilized to reimburse jails for medical bills for county offenders which exceed \$1,000. Once this fund is depleted, county jails are responsible for these medical bills.

Misdemeanor Probation Supervision - This bill also has the potential to increase DOC supervision caseloads in counties where misdemeanor probation cases are supervised by Probation and Parole. Probation and Parole currently supervises district court misdemeanor probation cases in 18 counties and supervises circuit court misdemeanor probation cases in 101 counties. The cost to supervise an offender under the Division of Probation and Parole is \$3.46 daily.

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 B Misdemeanor for the first offense and Class A Misdemeanor for 2nd offense of Unlawful use of an unmanned aircraft system.

A Class B misdemeanor is up to 90 days in jail.

10 Class B misdemeanants: up to \$28,728.

1 Class B misdemeanant: up to \$2,873.

100 Class B misdemeanants: up to \$287,300.

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