

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 504

BR #: 1748

DOC ID#:

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

SUBJECT: AN ACT relating to driving under the influence.

SUMMARY OF LEGISLATION: Amend various sections in KRS Chapter 189A, relating to driving under the influence, to expand the look-back window for prior offenses from five years to ten years for offenses committed without aggravating circumstances; provide that DUI offenses with aggravating circumstances would remain on record as prior offences, regardless of when they were committed.

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

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

Potential Impact: The proposed legislation in effect doubles the look back window from 5 years to 10 years. According to AOC, in CY 2014 there were 833 DUI 3rd convictions. With the doubling of the look back window there would be a large number of individuals who could receive a DUI 4th and be convicted of a Class D felony. The exact numbers cannot be calculated.

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.

A Class C Felony sentence is 5 to 10 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: Due to the increase in the number of persons who could be convicted of DUI 2nd, or 3rd, there would be an increase in the number of persons who would be incarcerated in a local facilities.

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