

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: SB 115 GA

BR #: 1047

DOC ID#:

BILL SPONSOR(S): Sen. J. Schickel, D. Thayer, R. Alvarado, J. Bowen, J. Carpenter, D. Carroll, C. Girdler, D. Givens, J. Higdon, P. Hornback, S. Humphries, C. McDaniel, A. Robinson, W. Schroder, D. Seum, S. West, M. Wise

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to trafficking in heroin.

SUMMARY OF LEGISLATION: Amend KRS 218A.1412 to require that persons who traffic in heroin or fentanyl be charged as Class C felons for the first offense.

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 checked="" 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 \$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 create trafficking in Heroin or Fentanyl a Class C felony regardless of the quantity. All Class C Heroin Trafficking convictions would carry a 50% parole eligibility requirement under paragraph 3(c). Currently there are 129 inmates serving on Trafficking Controlled Substance Heroin 1st Degree as their only charge. Currently, an offender in possession of less than two grams of Heroin would be eligible for parole after serving 20% of their sentence if they were not involved in commercial activity or if they were involved in commercial activity but have a substance abuse disorder. There would be increased costs to incarcerate and to supervise on parole. If 10% of the 129 offenders serving on Trafficking Controlled Substance Heroin were serving for less than 2 grams, that increase would cost the Department of Corrections an average of \$2,174,042.

Historically the specific substance such as Heroin was not noted in the judgement. It should be noted that these numbers are under-representative of the true Heroin Trafficking population.

A Class C Felony sentence is 5 to 10 years.

10 Class C Felons cost \$1.1M to \$2.2M.

1 Class C Felon costs Ky. \$111,489 to \$222,979.

100 Class C Felons cost \$11M to \$22M.

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

Creates no new misdemeanor offenses.

Based on the \$31.34 per diem rate, the local impact is estimated as follows:

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