

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: SB 136 SCS 1

BR #: 1420

DOC ID#: BR142000.100 - 1420 - 3156

BILL SPONSOR(S): Sen. W. Westerfield **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to controlled substances.

SUMMARY OF LEGISLATION: Amend KRS 218A.020, 218A.070, and 218A.090 to classify all hydrocodone products as Schedule II controlled substances; amend KRS 314.011 relating to advanced practice registered nurses and KRS 320.210 and 320.240 relating to optometrists to preserve their existing prescriptive authority relative to hydrocodone-based products; amend KRS 218A.1430 to increase penalties for possession of, and trafficking in, synthetic drugs.

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. 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 significant due to the costs associated with incarceration as well as the costs of supervision of the cases probated. If the 39 individuals were serving on a Class D Felony it would cost the Department of Corrections between \$462,774 to \$2,331,909 per year to house these individuals.

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 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