

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS

BILL #: HB 46 Prefiled

BR #: 210

DOC ID#: BR021000.100 - 210 - 366

BILL SPONSOR(S): Rep. Fischer

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to controlled substances

SUMMARY OF LEGISLATION: Amend KRS 218A.1412 to make trafficking in any amount of fentanyl or carfentanil subject to elevated penalties.

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 checked="" 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 \$66.82. Most Class D felons are housed in one of 76 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$31.41 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 legislation makes trafficking of any quantity of fentanyl or carfentanil a class C felony for the first offense and a Class B felony for the second or subsequent offense. Under current statute, traffickers of fentanyl of an amount under two (2) grams are guilty of a class D felony for first offense and a class C felony for second or subsequent offense. The increased penalties under the proposed legislation would increase sentence length and corresponding incarceration costs for offenders incarcerated for trafficking fentanyl. At this time, the number of offenders incarcerated for this offense is minimal.

AOC reports a total of eight (8) convictions for Trafficking in Controlled Substances 1st Degree or Attempted Trafficking in Controlled Substances 1st Degree in 2016. Currently, the Department has four (4) offenders serving on Trafficking in Controlled Substances 1st Degree (Fentanyl) and zero (0) offenders serving on Trafficking in Controlled Substances 2nd Degree (Fentanyl). Two (2) offenders are on community supervision for Trafficking in Controlled Substances 1st Degree (Fentanyl).

A Class B Felony sentence is 10 to 20 years

10 Class B Felons cost \$2.4M to \$4.878M

1 Class B Felon costs KY \$243,910 to \$487,820

100 Class B Felons cost \$24.4M to \$48.8M

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

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