## Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2017 Regular Session

#### **Part I: Measure Information**

Bill Request #: 463					
Bill #: SB 14 HCS					
Bill Subject/Title: An ACT relating to trafficking in heroin.					
Sponsor: Senator John Schickel					
Unit of Government:xCityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment					
Office(s) Impacted: Jailers; all law enforcement offices					
Requirement: <u>x</u> Mandatory Optional					
Effect on Powers & Duties: <u>x</u> Modifies Existing <u>Adds New</u> Eliminates Existing					

Part II: Purpose and Mechanics

# The anticipated fiscal impact of the provisions of SB 14 HCS are the same as for SB 14 SCS.

**SB 14 HCS deletes the original provisions of SB 14** and amends KRS 218A.010 to define "fentanyl," "carfentanil," and "fentanyl derivatives". It amends KRS 218A.020 to expand the authority of the Office of Drug Control Policy to request the rescheduling of a substance and amends KRS 218A.050 to schedule fentanyl derivatives as Schedule I controlled substances. **SB 14 HCS amends KRS 218A.1410 to include carfentanil, fentanyl derivatives and makes trafficking in any amount of fentanyl, carfentanil, or fentanyl derivatives subject to elevated penalties.** However, **SB 14 HCS specifies that a person who has a substance use disorder involving heroin and traffics in less than two grams of heroin is guilty of a Class D felony (as opposed to Class C). SB 14 HCS amends KRS 218A.142 to include carfentanil, fentanyl, or fentanyl derivatives in aggravated trafficking guidelines.** The bill amends KRS 218A.205 to require state licensing boards to promulgate regulations limiting prescriptions for Schedule II controlled substances for acute pain to a three day supply, with certain exceptions. Finally, the bill creates **a new offense of trafficking in a misrepresented controlled substance.** 

### Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

**The fiscal impact of SB 14 HCS is indeterminate and will be minimal.** There will likely be an indeterminate increase in felon arrests and incarcerations. The fiscal impact of felony incarcerations and substance abuse programs on local governments and county jails is described below.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 18 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.

#### Substance Abuse Program:

Eighteen full service jails provide an in-patient substance abuse program (SAP) to nearly 1,100 convicted felons incarcerated in the jails. The estimated average cost of jailing a convicted felon participating in a SAP is \$40.34 per day. This amount is reimbursed by the Department of Corrections and is \$9 more than the estimated average cost of \$31.34 per day reimbursement. Since the \$40.34 per diem pays for the estimated average cost of housing a convicted felon participating in a SAP, the per diem may be less than, equal to, or greater than the actual housing cost.

#### Data Source(s): Kentucky Jailers Association; Kentucky Association of Chiefs of Police; Kentucky; Kentucky Sheriffs Association; Kentucky Department of Corrections

<b>Preparer:</b>	H. Marks	<b>Reviewer:</b>	KHC	Date:	3/2/17
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