

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS BILL #: SB 51 Introduced BR #: 340 DOC ID#: BR034000.100 - 340 - XXXX

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

SUBJECT: AN ACT relating to protection of critical infrastructure.

SUMMARY OF LEGISLATION: Create a new section of Chapter 183 to create the offense of unlawful use of an unmanned aircraft system; define "critical infrastructure," "unmanned aircraft," and "unmanned aircraft system"; prohibit the use of an unmanned aircraft system to collect evidence or information about critical infrastructure without prior written consent and make the unlawful use of an unmanned aircraft system for this purpose a Class A or Class B misdemeanor.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input checked="" 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 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

Creates no new felonies. Since this legislation does not create any new felony offenses, it will not have an impact on Department of Corrections' incarceration rate.

However, the bill does create misdemeanor offenses which may be placed on supervision under the Division of Probation & Parole. The cost to supervise an offender under the Division of Probation and Parole is \$3.72 per day. It is unknown how many new offenses this legislation would create, however, it is expected the numbers would be of such that the impact to the Department would be minimal.

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

Potential Impact:

This legislation makes it unlawful to use an unmanned aircraft to conduct surveillance, collect information about, photograph, or electronically record critical infrastructure without the prior written consent of the owner.

This legislation creates a Class B misdemeanor for 1st offense Unlawful Use of an Unmanned Aircraft and a Class A misdemeanor for a 2nd or subsequent offense. Incarceration for these misdemeanor offenses would be at the expense of the counties. It is unknown how many new offenses this legislation would create, however, it is expected the numbers would be of such that the impact to the Department would be minimal.

A Class B misdemeanor is up to 90 days in jail.

10 Class B misdemeanants: up to \$28,270

1 Class B misdemeanor: up to \$2,827

100 Class B misdemeanants: up to \$282,700

A Class A misdemeanor is 90 days to 1 year in jail

10 Class A misdemeanants: \$28,270 to \$114,640

1 Class A misdemeanor: \$2,827 to \$11,464

100 Class A misdemeanants: \$282,700 to \$1,146,400

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