

CORRECTIONS IMPACT STATEMENT

SESSION: 17RS BILL #: SB 76 Prefiled BR #: 408 DOC ID#: BR040800.100 - 408 - XXXX

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

SUBJECT: AN ACT relating to the regulation of cannabis and making an appropriation therefor.

SUMMARY OF LEGISLATION: Establish KRS Chapter 245 to regulate the cultivation, testing, processing, taxing, and sale of cannabis to persons aged 21 years and older; create, amend, and repeal various sections to conform.

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 checked="" type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input checked="" 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 \$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 Savings:

Section 2 of this bill would allow a person age twenty-one (21) or older to possess up to one (1) ounce of cannabis on his or her person; possess and cultivate up to five (5) cannabis plants for personal consumption; consume cannabis on private property with permission; and transfer one (1) ounce or less of cannabis and up to five (5) immature cannabis plants to persons twenty-one (21) years of age or older without remuneration.

Current data reflects five hundred nineteen (519) offenders are currently under supervision for misdemeanor cultivating marijuana fewer than five (5) plants or trafficking marijuana less than eight (8) ounces. Two hundred ninety-eight (298) offenders are currently incarcerated for a Class D felony cultivating marijuana of five (5) or more plants or trafficking in marijuana eight (8) ounces to five (5) pounds.

Section 7 of this bill implements a Class D felony offense for unlawful cannabis cultivation of eleven (11) or more plants. Current data reflects six hundred thirty-five (635) offenders are currently incarcerated or under state supervision for Class D cultivating marijuana greater than five (5) plants.

Under the proposed legislation, some current felony offenders who cultivated more than five (5) plants would be subject to a misdemeanor offense as long as the offense involved less than eleven (11) cannabis plants. If 10% of the 80 offenders currently incarcerated for felony cultivating marijuana fell under the eleven (11) plant threshold, the savings to the state would be \$91,712.56 for a one year sentence.

Although the exact amount is unknown, increasing the quantity threshold has the potential to reduce costs associated with incarceration as fewer offenders would qualify for a felony cultivation charge and would instead be prosecuted as a misdemeanor offense.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$114,640 to \$573,200

1 Class D Felon costs KY \$11,464 to \$57,320

100 Class D Felons cost \$1.146M to \$5.7M

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

