CORRECTIONS IMPACT STATEMENT

SESSION: 17RS BILL #: SB /6 Prefiled	BR #: 408 DOC ID#: BR040800.100 - 408 - XXXX
BILL SPONSOR(S): Sen. Clark AMENDMENT SPON SUBJECT: AN ACT relating to the regulation of cannabis and ma	• •
SUMMARY OF LEGISLATION: Establish KRS Chapter 245 to regul persons aged 21 years and older; create, amend, and repeal various sec	
This ⊠ bill ☐ amendment ☐ committee substitute is e	xpected to:
	rections impact
 □ Creates new crime(s) □ Increases penalty for existing crime(s) □ Increases incarceration □ Reduces inmate/offender services □ Increases staff time or positions □ Changes elements of offense for existing crime(s) □ Otherwise impacts incarceration (Explain) . 	 □ Repeals existing crime(s) □ Decreases penalty for existing crime(s) □ Decreases incarceration □ Increases inmate/offender services □ Reduces staff time or positions
STATE IMPACT: Class A, B & C felonies are based on an average one of 76 full service jails for up to 5 years. DOC's cost to incard diem, medical & central office costs), not including substance at number of years.	erate a felony inmate in a jail is \$31.41 per day (includes jail per
Projected Impact: ☐ NONE ☐ MINIMAL ☐	MODERATE SIGNIFICANT
Potential Savings:	
Section 2 of this bill would allow a person age twenty-one (21) or person; possess and cultivate up to five (5) cannabis plants for permission; and transfer one (1) ounce or less of cannabis and up years of age or older without remuneration.	rsonal consumption; consume cannabis on private property with
Current data reflects five hundred nineteen (519) offenders are cufewer than five (5) plants or trafficking marijuana less than eight (8 incarcerated for a Class D felony cultivating marijuana of five (5) (5) pounds.	ounces. Two hundred ninety-eight (298) offenders are currently
Section 7 of this bill implements a Class D felony offense for unla data reflects six hundred thirty-five (635) offenders are currently marijuana greater than five (5) plants.	
Under the proposed legislation, some current felony offenders was misdemeanor offense as long as the offense involved less than eincarcerated for felony cultivating marijuana fell under the eleven (for a one year sentence.	leven (11) cannabis plants. If 10% of the 80 offenders currently
Although the exact amount is unknown, increasing the quantit incarceration as fewer offenders would qualify for a felony cultivat 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 misdemeanors and felony defendants until disposition of the case based on \$31.34 per day, which equals the per diem and medical	e. While the expense varies by jail, this estimated impact will be

 \square MODERATE

⊠SIGNIFICANT

Projected Impact: NONE

☐ MINIMAL

Potential Cost:

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.

Section 4 establishes a violation of a Class B misdemeanor for any person under twenty-one (21) years of age who possesses for his or her own use, purchases, or attempts to purchase or have another purchase for him or her any cannabis or cannabis product; violations for persons under the age of eighteen (18) are deemed a status offense.

Section 5 makes unlawful possession of cannabis subject to a fine. Under current law, possession of marijuana is a Class B misdemeanor. Currently, there are 1,556 offenders on supervision for Possession of Marijuana.

Section 7 of this bill creates a Class A offense misdemeanor offense of unlawful cannabis cultivation of six (6) to ten (10) cannabis plants and a Class B misdemeanor offense of unlawful cannabis cultivation of five (5) or fewer cannabis plants. Current data reflects forty-seven (47) offenders currently under state supervision for misdemeanor marijuana cultivation.

Although the exact amount is unknown, lowering the quantity threshold from a felony level to misdemeanor has the potential to increase the number of misdemeanor offenders associated with cannabis cultivation. A certain amount of increased incarceration costs for jails would occur as some of the misdemeanor offenses under this legislation are, under current law, felony offenses falling under state jurisdiction. For example, if 10% of the two hundred ninety-eight (298) offenders currently incarcerated for Class D felony cultivating marijuana or trafficking in marijuana were shifted under the proposed legislation to a misdemeanor sentence, the cost to the county would be \$340,885.18.

Alternately, the application of a fine as a penalty to possession of cannabis that currently is a misdemeanor offense with a maximum term of incarceration of forty-five (45) days would reduce days incarcerated.

A Class A misdemea	anor is 90 days to 1 year in jail	10 Class A misdemeanants: \$28,270 to \$114,640		
1 Class A misdemea	anant: \$2,827 to \$11,464	100 Class A misdemeanants: \$282,700 to \$1,146,400		
A Class B misdemea	anor is up to 90 days in jail.	10 Class B misdemeanants: up to \$28,270		
1 Class B misdemea	anant: up to \$2,827	100 Class B misdemeanants: up to \$282,700		
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 Correct	ctions	Date	