

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 257 GA BR # 1227 DOC ID #: BR122700.100 - 1227 - XXXX

BILL SPONSOR(S): Rep. M. Meredith AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to amusement rides and attractions.

SUMMARY OF LEGISLATION: Create a new section of KRS 247.232 to 247.236 to set forth conduct guidelines for patrons of amusement rides and attractions; establish a penalty for trespassing after refusing to leave the premises following a conduct violation; require amusement ride and attraction operators to display the penalties for violations of this section.

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 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 checked="" type="checkbox"/> Changes elements of offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain) . | |
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STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$71.10. 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 \$32.78 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 to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

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 to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

HB 257 establishes guidelines for amusement rides or attractions. The legislation establishes guidelines that patrons of amusement parks are expected to follow, including compliance with posted signage, verbal instructions by ride operators, and compliance with safety devices like seat belts, restraint bars, or safety harnesses.

Patrons are prohibited from conduct that would cause bodily harm or death, interfere with ride operations, disconnect safety devices, extend limbs beyond the seating area, throw or drop objects from the ride, embark or disembark except as designated, unreasonable control speed or direction of the ride, or board a ride if under the influence of alcohol or drugs.

Violators shall leave the premises if requested and shall not be eligible for a refund for the admission fee.

Violators who do not comply with the provisions of the legislation shall be guilty of Criminal Trespass 2nd Degree.

Exceptions are provided for individuals who may not be capable of understanding posted rules or oral instructions due to visual impairment, deaf or hard of hearing, or developmental disability.

The amusement park is responsible for posting the penalties for violations established under this legislation.

Criminal Trespass 2nd Degree is a Class B misdemeanor.

Currently the Department of Corrections has 83 offenders on supervision for a conviction of Criminal Trespass 2nd Degree. AOC records for FY2018 indicate 938 convictions (including inchoate offenses). Additionally, there are a number of additional juvenile adjudications for Criminal Trespass 2nd Degree, which comprise an estimated 5% of the overall total number of offenses.

It is not possible to predict how many additional Criminal Trespass 2nd Degree misdemeanor offenses would be generated from violations of amusement park regulations.

Overall, however, it is expected that the number of convictions under the legislation and the corresponding impact to local incarceration would be minimal.

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

10 Class B misdemeanants: up to \$28,206

1 Class B misdemeanant: up to \$2,821

100 Class B misdemeanants: up to \$282,060

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. The Department of Corrections and local jails continue to operate over capacity. Without steps to reduce the population, any legislation that increases population or lengthens the term of incarceration will have a significant impact on correctional operations.

APPROVED BY:



Deputy Commissioner, Kentucky Department of Corrections

2/26/2019

Date