

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 334 Introduced BR # 43 DOC ID #: xxxx

BILL SPONSOR(S): Rep. B. Reed AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to off-highway vehicles and making an appropriation therefor.

SUMMARY OF LEGISLATION: Amend KRS 186.010 to define "off-highway vehicles" or "OHV"; consider an OHV to be a motor vehicle for registration purposes; amend KRS 186.050 to establish a \$25 annual registration fee for OHVs and a \$30 fee for nonresident OHV registration; allow the clerk to retain \$5 for OHV registration; create new sections of KRS Chapter 189 to allow for the operation of OHVs on a public roadway that is not a fully controlled access highway; establish requirements; require the Transportation Cabinet to promulgate administrative regulations; establish exemptions; allow for the operation of nonresident OHV on county roadways for up to 30 days; establish requirements; require the Transportation Cabinet to promulgate administrative regulations; amend KRS 189.517 to comply; amend KRS 189.990 to establish that operating an OHV in violation of Sections 3 and 4 of this Act shall be a Class B misdemeanor.

This bill amendment committee substitute is expected to:

Have the following Corrections impact **Have no Corrections impact**

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|--|--|
| <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) . | |
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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 334 adds off-highway vehicles to the definition of motor vehicles in KRS 186.400. An Off-Highway Vehicle is defined as a recreational vehicle with listed specifications or as a mini-truck (KRS 189.517).

KRS 186.050 establishes a registration requirement and registration fees. Section 3 of the legislation authorizes operation of an Off-Highway Vehicle on a public roadway that is not a fully controlled access highway. The operator must be eighteen (18) years of age with an operator's license. Regulations similar to operation of a motor vehicle are included, such as titling, registration, proof of insurance, and compliance with traffic regulations, etc. Eye protection is required if there is not a windshield. The legislation is not applicable for private or public recreational trails,

agricultural purposes, wildlife management, or law enforcement. There are stipulations for nonresident use under Section 4.

Under KRS 189.990, violation of this legislation is added as a Class B misdemeanor. Misdemeanors are subject to the jurisdiction and cost of the county.

Currently the Department of Corrections has 75 offenders incarcerated on or supervision for convictions under KRS 189.990 unrelated to the current offense. (Note: offenders may be incarcerated on other charges.) There are three (3) offenders under supervision who have violations of Operating ATV on Roadway under KRS 189.515.

AOC records reflect 1,264 criminal convictions and 529 traffic violation under KRS Chapter 189.990 and 189.993. It should be noted there are zero (0) violations under KRS 189.517 Violation of Mini-Truck Requirements and 202 violations under KRS 189.515 Operating ATV or All Terrain Vehicle violations.

In times of current overcrowding any additional incarceration has an impact on the occupancy of jail beds.

However, the number of convictions under this legislation would be expected to be minimal, with little impact to local incarceration.

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

2/21/2019

Date