

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # SB 157 SCS 1 BR # 1435 DOC ID #: SB015740.100 - 1435 - XXXX

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

SUBJECT: AN ACT relating to drones.

SUMMARY OF LEGISLATION: Amend KRS 511.100 to protect correctional institutions from trespass; amend KRS 520.010 to include drones in definition of dangerous contraband.

AMENDMENT: Include any payload carried by a drone in definition of dangerous contraband.

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)

SB 157 prohibits the operation of a drone or unmanned aircraft over the grounds or property of a state prison, juvenile justice facility, jail, or other facility for the detention of persons charged with or convicted of crimes. Under the proposed legislation, correctional facilities would be added to the definition of key infrastructure assets in KRS 511.100. Under KRS 511.100, trespass upon key infrastructure assets is a Class B misdemeanor for the 1st Offense and a Class A misdemeanor for a 2nd or Subsequent offense.

Additionally, under KRS 520.010, drones, unmanned aircraft, other remote controlled vehicle, and any contraband carried by those vehicles are added to the definition of dangerous contraband. This allows for the prosecution of Promoting Contraband 1st Degree (KRS 520.050) when an individual uses a drone to introduce contraband into a correctional facility. Additionally, a drone itself could be contraband if it lands on grounds of the correctional facility. Promoting Contraband 1st Degree is a Class D felony.

Currently the Department of Corrections does not have any offenders incarcerated or on supervision for offenses under KRS 511.100. AOC records do not reflect any convictions for this offense in FY2018. There are over 3,019 offenders incarcerated or on supervision for Promoting Contraband 1st Degree. AOC records indicate 1,217 convictions for Promoting Contraband 1st Degree in FY2018 (including inchoate offenses).

The proposed legislation would not be expected to significantly increase the number of offenders convicted of these two criminal offenses.

Drones or unmanned aircraft present a significant security threat to correctional facilities through the ability to introduce contraband, including drugs, cell phones, weapons, or instruments that can aid in escape. Drones can be used in the surveillance of prison operations or to record aspects of the facility that for security purposes would not be available to the public.

Operationally, the ability to prohibit contraband from being introduced into Kentucky correctional facilities is a significant security concern. The proposed legislation would aid in the protection of inmates within these facilities and the staff who serve them.

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)

Class D offenders would be subject to service of their sentence in a county jail at a cost to the state of \$31.34 per day to the local jail.

Misdemeanors are subject to the jurisdiction and cost of the county.

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

Due to the specific nature of the offense, the number of convictions generated under this legislation is expected to be minimal.

A Class A misdemeanor is 90 days to 1 year in jail.	10 Class A misdemeanants: \$28,206 to \$114,391
1 Class A misdemeanor: \$2,821 to \$11,439	100 Class A misdemeanants: \$282,060 to \$1,143,910
A Class B misdemeanor is up to 90 days in jail.	10 Class B misdemeanants: up to \$28,206
1 Class B misdemeanor: up to \$2,821	100 Class B misdemeanants: up to \$282,060

Projected Corrections Impact from Amendments:

The Senate Committee Substitute articulates that the payload a drone carries would be considered dangerous contraband. This clarification assists with the application of dangerous contraband to items that may not be listed specifically as contraband in statute but that would cause disruption to the safe operation of the facility. Examples of this would include objects that could be fashioned into a weapon or aid in escape.

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:  2/26/2019
Deputy Commissioner, Kentucky Department of Corrections Date