

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # SB 73 Introduced BR # 402 DOC ID #: xxxx

BILL SPONSOR(S): Sen. J. Higdon AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to traffic fines.

SUMMARY OF LEGISLATION: Amend KRS 189.990 to increase the fine for a violation of passing a stopped school or church bus to \$500 for the first violation and \$1,000 for each subsequent offense occurring within three years; make technical correction.

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 checked="" 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) . | |

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)

SB 73 amends KRS 189.990 by modifying the penalty for violation of KRS 189.370, which prohibits passing a stopped school or church bus. The fine for a first violation is increased from \$100-\$200 to \$500. Imprisonment of thirty (30) to sixty (60) days may also be imposed. For subsequent violations, the fine is increased from \$300-\$500 to \$1,000. Imprisonment of sixty (60) to 180 days may also be imposed.

The legislation also removes the warning in lieu of a citation for a child who is not properly secured in a booster seat. Children under the age of eight (8) between forty (40) inches and fifty-seven (57) inches in height are required to utilize booster seats. The penalty is a \$30 fine.

Records from AOC indicate that for FY2018, 2,363 convictions for Booster Seat Violations or Failure to Use Child Restraint Device in Vehicle. There were 126 violations for Passing Loading/Unloading School/Church Bus.

The Department of Corrections does not have any offenders incarcerated or on supervision for the misdemeanor offense of Passing Loading/Unloading School/Church Bus. There are ten (10) offenders on supervision for Booster

Seat Violations or Failure to Use Child Restraint Device in Vehicle. Note: offenders may be on supervision for other charges.

The change to the traffic penalties as outlined in the legislation would not be expected to impact a Court's decision to impose jail time for the violation. As such, there is no impact to local incarceration stemming from this legislation.

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 B misdemeanants: up to \$282,060

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

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:  1/18/2019
Commissioner, Kentucky Department of Corrections Date