

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # HB 586 GA BR # 452 DOC ID #: xxxx

BILL SPONSOR(S): Rep. J. Nemes, J. Petrie AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to possession of a controlled substance.

SUMMARY OF LEGISLATION: Amend KRS 218A.010 to add definitions of "trace amount" and "residue"; amend KRS 218A.1415, 218A.1416, and 218A.1417 to lower penalty for possession of a controlled substance when the substance is in a trace amount or is residue.

AMENDMENT: .

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 checked="" type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input checked="" 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 \$75.91. Community Custody Class C and most Class D felons are housed in one of seventy-seven (77) full service or regional jails for up to five (5) years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$36.70 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included). *Projections are based on the daily rate x 365 days x number of years. Offenders may have multiple offenses or incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The legislation amends KRS 218A.010 by adding definitions for residue and trace amounts. Under KRS 218A.1415 Possession of a Controlled Substance 1st Degree, a residue or trace amount of a controlled substance is established as a Class A misdemeanor. Other amounts remain as a Class D felony.

Under KRS 218A.1416 Possession of a Controlled Substance 2nd Degree, a residue or trace amount of a controlled substance is established as a Class B misdemeanor. Other amounts remain as a Class A misdemeanor.

Under KRS 218A.1417 Possession of a Controlled Substance 3rd Degree, a residue or trace amount of a controlled substance is established as a Class B misdemeanor. Other amounts remain as a Class A misdemeanor.

AOC data reports 12,230 convictions in FY2019 for Possession Controlled Substance 1st Degree. There were 3,612 convictions for Possession of Controlled Substance 2nd Degree and 2,471 convictions for Possession of Controlled Substance 3rd Degree.

Currently, the Department has 5,660 distinct inmates serving on Possession of Controlled Substance. Of the community supervision offenders, 24,365 have convictions for Possession of Controlled Substance 1st Degree, 774 have convictions for Possession of Controlled Substance 2nd Degree, and 892 have convictions for Possession of Controlled Substance 3rd Degree.

The legislation may provide for the prosecution of some drug offenses at the misdemeanor level rather the felony level. This would provide a cost savings for the state. It is not known how many current convictions for Possession of Controlled Substance may be for trace amounts, which if convicted under the current legislation, would be imposed at the lower misdemeanor level.

