

CORRECTIONS IMPACT STATEMENT

SESSION: 20RS BILL # SB 19 Prefiled BR # 176 DOC ID #: xxxx

BILL SPONSOR(S): Sen. D. Carroll AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to road safety.

SUMMARY OF LEGISLATION: Amend KRS 512.070 to include, as criminal littering, permitting unsafe amounts of mowed grass to remain on a highway.

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 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) . | |
-

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 77 full service jails for up to 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)

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. Since the per diem is an estimated average cost of housing an inmate, the per diem may not be the actual housing cost for the jail. *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 proposed legislation modifies KRS 512.070 Criminal Littering by prohibiting persons from dropping unsafe amounts of mowed grass on a highway and not immediately removing it.

KRS 512.070 is a misdemeanor offense, however, this legislation establishes criminal littering of unsafe amounts of grass on a highway as a violation, with a maximum fine of \$200. The violation would be elevated to a misdemeanor offense for a second or subsequent offense if committed within three (3) years of the first conviction.

Currently the Department has eight (8) offenders on supervision for this misdemeanor offense, with zero (0) offenders incarcerated. AOC records indicate three hundred thirty-three (333) convictions in FY2019 for the offense of Criminal Littering.

The additional element of this offense as established in this legislation is not likely to significantly increase the number of offenders convicted of the Class A misdemeanor offense of Criminal Littering. Incarceration rates for this offense are likely to be low.

As such, there is little impact to the local jails under this legislation.

A Class B misdemeanor is up to 90 days in jail.
1 Class A misdemeanor: \$2,820.60 to \$11,439.10

10 Class B misdemeanants: up to \$28,206.00
100 Class A misdemeanants: \$282,060.00 to \$1,143,910.00

Projected Corrections Impact from Amendments:

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: Kathleen M. Keagy 1/9/2020
Commissioner, Kentucky Department of Corrections Date