

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # HB 371 Introduced BR # 1522 DOC ID #: xxxx

BILL SPONSOR(S): Rep. Bauman, Bratcher, Fugate, Hodgson AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to promoting contraband.

SUMMARY OF LEGISLATION: Amend KRS 520.050 to enhance promoting contraband to a Class B felony if the dangerous contraband is fentanyl, carfentanil, or fentanyl derivatives; amend KRS 439.3401 to add a person who has been convicted of or entered a plea of guilty to a Class B felony violation of KRS 520.050 to the definition of "violent offender."

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 checked="" type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input checked="" 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 \$105.23. Community Custody Class C and most Class D felons are housed in one of seventy-four (74) full service or regional jails for up to five (5) years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$40.11 per day, which includes \$35.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included).*

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

There are currently 1117 offenders in custody for Class D, Promoting Contraband-1st Degree. It is unknown what portion of these offenses may be for Fentanyl and/or Carfentanil. However, the increase in penalty from a Class D Felony (1 to 5 years) to a Class B Felony (10 to 20 years) is significant. Each offender sentenced to a Class B felony instead of Class D felony increases the cost to incarcerate between \$369,455.55 to \$694,994.27/per offender. Changing this offense to a violent offense, subject to 85% parole eligibility and remaining on supervision until maximum date if paroled, will impact offenders' length of stay incarcerated and time spent on supervision.

A Class D Felony sentence is 1 to 5 years.

1 Class D Felon costs KY \$14,638.94 to \$73,194.71

10 Class D Felons cost KY \$146,389.42 to \$731,947.13

100 Class D Felons cost KY \$1,293,186.06 to \$6,465,930.31

A Class B Felony sentence is 10 to 20 years.

1 Class B Felon costs KY \$384,094.49 to \$768,188.98

10 Class B Felons cost KY \$3,840,944.90 to \$7,681,889.80

100 Class B Felons cost KY \$38,409,449.03 to \$76,818,898.06

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. The estimated impact will be based on the \$40.11 cost to incarcerate for the Department of Corrections, including \$35.34 per diem and medical that DOC pays jails to house felony offenders. This cost to incarcerate may not be the actual housing cost for the jail.*

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

.Class D felons are typically housed in county jails for the duration of their sentence and DOC pays the county a per diem of \$35.34. Changing promotion of contraband of fentanyl, etc. from a Class D felony to a Class B felony, would make the offender ineligible to be incarcerated in a county jail. While this may reduce the state inmate population of the county jail, it will also reduce the amount of payment made to the county.

PROJECTED IMPACT FROM AMENDMENTS:

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

**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

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, lengthens the term or incarceration, or impose new obligations on state or local governments.

APPROVED BY:



Chief of Staff, Kentucky Department of Corrections

2/24/2023

Date