

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # HB 400

Introduced BR # 1023

DOC ID #: xxxx

BILL SPONSOR(S): Rep. Aull AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to driving under the influence.

SUMMARY OF LEGISLATION: Amend KRS 189A.010 to create enhanced penalties for a person under the age of 21 who operates a motor vehicle with an alcohol concentration of 0.02 or more; allow a violation of KRS 189A.010 by a person under the age of 21 who operates a motor vehicle with an alcohol concentration of 0.02 or more to be included as a prior offense for enhancement purposes; amend KRS 189A.070 to create enhanced periods of license suspension for a person under the age of 21 who operates a motor vehicle with an alcohol concentration of 0.02 or more; amend KRS 189A.340 and 189A.040 to conform.

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 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)

We cannot anticipate the number convictions with increased penalties; however, there are currently 221 inmates in custody for DUI offenses - none of which are under 21 years old. There are also 2357 offenders on supervision for DUI offenses - only 8 of which are under 21 years old.

The increased incarceration costs could fall in the minimal to moderate range dependent on how many offenders are subject to the increased penalties under the legislation. However, there would also be an increase in the number of offenders on supervision at \$4.11/day per offender .

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)

Misdemeanor offenders are subject to the jurisdiction and cost of the county.

It is not known how many additional misdemeanor offenders would be generated under this legislation, however, given the specific focus of the offense, the number of convictions would likely be few resulting in a minimal increase to incarceration.

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

3/2/2023

Date