

# CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # HB 590 Introduced BR # 1201 DOC ID #: xxxx

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

TITLE: AN ACT relating to medicinal cannabis

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 218A to define "cannabis"; require the Kentucky Center for Cannabis to establish criteria for determining when sufficient data exists to support the use of cannabis for medicinal purposes; permit the center to produce and dispense cannabis products to certain patients; permit the center to establish and operate cannabis dispensing centers throughout the state, exempt patients who receive cannabis products from the center from prosecution for a violation of KRS 218A.1421, 218A.1422, or 218A.1423.

**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 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 \$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 538 inmates in custody and 4,953 offenders on supervision for offenses under KRS 218A.1421, 218A.1422, or 218A.1423.

It is not known how many of these offenders currently in custody or on supervision would have met the new guidelines under this legislation, but it is likely the decrease in incarceration costs would be minimal.

Class D felons are housed in a county jail and DOC pays counties a per diem for housing those inmates.

A Class D Felony sentence is 1 to 5 years – One (1) Class D Felon costs KY \$14,638.94 to \$73,194.71.

Class C felons could be housed in jail depending on prior record and current convictions.

A Class C Felony sentence is 5 to 10 years – One (1) Class C Felon costs KY \$192,047.24 to \$384,094.49

**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)

There are currently 538 inmates in custody and 4,953 offenders on supervision for offenses under KRS 218A.1421, 218A.1422, or 218A.1423.

It is not known how many of these offenders currently in custody or on supervision would have met the new guidelines under this legislation, but it is likely the decrease in incarceration costs would be minimal.

Class D felons are housed in a county jail and DOC pays counties a per diem for housing those inmates.

A Class D Felony sentence is 1 to 5 years – One (1) Class D Felon costs KY \$14,638.94 to \$73,194.71.

Class C felons could be housed in jail depending on prior record and current convictions.

A Class C Felony sentence is 5 to 10 years – One (1) Class C Felon costs KY \$192,047.24 to \$384,094.49

**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