

CORRECTIONS IMPACT STATEMENT

SESSION: 23RS BILL # SB 228 GA BR # 1264 DOC ID #: xxxx

BILL SPONSOR(S): Sen. Turner AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to driving under the influence of marijuana.

SUMMARY OF LEGISLATION: Amend KRS 189A.010 to create a per se limit for a blood level of tetrahydrocannabinol signifying intoxication; amend various sections of the KRS to conform.

AMENDMENT: SCS 1: Retain original provisions; add a presumption that a person is not under the influence of marijuana for a marijuana concentration below four.

SFA 1: Clarify forms of testing for marijuana concentration.

Retain original provisions; add a presumption that a person is not under the influence of marijuana for a marijuana concentration below four.

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 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 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)

While there is no way to predict the number of new convictions, changing the definitions of intoxication while operating a motor vehicle would result in an increase of individuals convicted of this offense and an increase to the cost on incarceration.

Establishing new felony offenders would impact the number of offenders potentially incarcerated and/or placed on supervision.

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.

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)

Establishing new felony and misdemeanor offenders would impact the number of offenders potentially incarcerated in county jails increasing the cost of incarceration.

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

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.

PROJECTED IMPACT FROM AMENDMENTS:

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

There is no additional impact from the SCS.
There is no additional impact from the GA version of the bill.

**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

3/16/2023

Date