Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

Bill Request #: 1102
Bill #: SB 269
Document ID #: <u>4171</u>
Bill Subject/Title: AN ACT relating to driving under the influence of marijuana.
Sponsor: Senator David Yates
Unit of Government: <u>X</u> City <u>X</u> County <u>X</u> Urban-County
X Charter County X Consolidated Local Unified Local
Office(s) Impacted: Jails
Requirement: <u>X</u> Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 269 amends KRS 189A.010 to prohibit driving under the influence of intoxicating hemp products.

The expected fiscal impact of SB 269 is undetermined because the number of expected offenders cannot be estimated. For the first offense an offender may be imprisoned in a county jail for between 48 hours and 30 days. For a second offense within a ten year period an offender shall be imprisoned in a county jail for between 7 days and 6 months. For a third offense within a ten year period the offender may be imprisoned in a county jail for 30 days to 12 months. A fourth offence or a subsequent offense within a 10 year period constitute a Class D Felony.

Misdemeanants are housed in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost to incarcerate of \$40.11 per day. While the majority of

misdemeanor defendants are granted bail, those who do are not will also cost local jails an average cost to incarcerate of \$40.11 per day.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 74 full- service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$40.11 per day to incarcerate, which includes the \$35.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full- service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$35.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II refers to SB 269 as introduced. There are no prior versions.

 Data Source(s):
 LRC Staff

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