# CORRECTIONS IMPACT STATEMENT

**SESSION: 24RS**  **BILL #: HB** 132 **Introduced**.  **BR #:** 485

**BILL SPONSOR(S): Rep. S. McPherson**  **AMENDMENT SPONSOR(S):**

**TITLE:** AN ACT relating to the sale of alcohol to minors.

**SUMMARY OF LEGISLATION:** Amend KRS 244.085 to enhance penalties for any person who aids or assists any person under 21 years of age in purchasing or being delivered or served any alcoholic beverage; amend KRS 244.990 to enhance penalties for violations related to retail sales of alcoholic beverages to any person under 21 years of age; establish that the Act may be cited as the Jordan Bratcher and Chance Goostree Act.

**AMENDMENT:**

This ☒ bill ☐ amendment ☐ committee substitute is expected to:

☒ **Have the following Corrections impact**    ☐ **Have no Corrections impact.**

☒Creates new crime(s)    ☐Repeals existing crime(s)

☐Increases penalty for existing crime(s)    ☐Decreases penalty for existing crime(s)

☐Increases incarceration    ☐Decreases incarceration.

☐Reduces inmate/offender services    ☐Increases inmate/offender services.

☐Increases staff time or positions    ☐Reduces staff time or positions.

☐Changes elements of the offense for existing crime(s)

☐Otherwise impacts incarceration (Explain):

**STATE IMPACT:** Class A, B, & C felonies are based on an average daily prison rate of $116.93. 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 jail is $44.97 per day, which includes $35.34 per diem, medical costs, and central office administrative costs (substance abuse treatment not included).*

**Projected Impact:**  ☐ NONE   ☒ MINIMAL to MODERATE (< $1 million)   ☐ SIGNIFICANT (> $1 million)

The legislation would likely have a minimal impact to operational costs at the state level.

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 $16,414.05 to $82,070.25.

**LOCAL IMPACT:** Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until the disposition of the case. The estimated impact will be based on the $44.97 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)

The legislation would likely have a minimal impact to operational costs.

The enhancement of the violation to a Class D felony when serious injury or death occurs would impact the county jail population.   Misdemeanants are the fiscal responsibility of the county.

A Class D Felony sentence is 1 to 5 years – One (1) Class D Felon costs KY $16,414.05 to $82,070.25.
A Class B misdemeanor is up to 90 days in jail. One (1) Class B misdemeanant: up to $4,047.30
A Class A misdemeanor is 90 days to 1 year in jail.  One (1) Class A misdemeanant: $4,047.30 to $16,414.05

The requirement of those convicted serve at least 50% could impact the overall population in the county jails, as inmates would be required to serve for longer periods of time.

**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, lengthen the term of incarceration, or impose new obligations on state or local governments.*

**APPROVED BY**: _____  __1/23/2024__

    Chief of Staff, Kentucky Department of Corrections          Date