

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 211 Introduced. BR #: 1482

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

TITLE: AN ACT relating to controlled substances.

SUMMARY OF LEGISLATION: Create new sections of KRS Chapter 211 to establish a program for harm reduction centers; amend possession of controlled substance statutes to reduce penalties; amend KRS 218A.275 to provide for referrals to treatment for persons charged with possession of controlled substances; amend KRS 218A.500 to decriminalize possession of items to test, store, or consume controlled substances; amend KRS 218A.992, 533.274, 431.078, 218A.275, and 218A.010 to conform; repeal KRS 218A.14151, 218A.1450, 218A.1451, 218A.1452, 27.099, and 218A.276; EFFECTIVE, in part, August 1, 2025.

AMENDMENT:

This bill amendment committee substitute is expected to:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Have the following Corrections impact | <input type="checkbox"/> 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 type="checkbox"/> Changes elements of the 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 \$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)

This legislation would have a significant reduction in incarceration and supervision costs by removing Class D possession offenses.

There are currently 5,427 inmates in custody serving on KRS Chapter 218A possession-related offenses. Additionally, there are 27,656 offenders on supervision for KRS Chapter 218A possession-related offenses.

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.

Probation & Parole - The cost to Supervise each offender is \$4.41 per day. 5 years of supervision equates to \$8,048.25 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 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)

This legislation would have a significant reduction in incarceration and supervision costs by removing Class D and Misdemeanor possession offenses.

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.

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

A Class B misdemeanor is up to 90 days in jail. One (1) Class B misdemeanor: up to \$4,047.30

A Class A misdemeanor is 90 days to 1 year in jail. One (1) Class A misdemeanor: \$4,047.30 to \$16,414.05

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: _____


Chief of Staff, Kentucky Department of Corrections

2/15/2024

Date