

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 72 Introduced. BR #: 1305

BILL SPONSOR(S): Rep. N. Kulkarni AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to cannabis.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 218A to make possession of a personal use quantity of cannabis exempt from civil or criminal penalty; amend KRS 218A.010 to define "cannabis," "personal use quantity of cannabis," and "cannabis accessory"; amend KRS 218A.1422 regarding cannabis possession to conform; amend KRS 218A.1423 regarding cannabis cultivation to conform; amend KRS 218A.500 regarding drug paraphernalia to exempt personal use cannabis accessories; amend KRS 218A.1421 regarding cannabis trafficking to exempt personal use quantities; amend KRS 138.872 to exclude personal use quantities from the cannabis stamp tax; amend KRS 218A.410 and 533.030 to conform; create a new section of KRS Chapter 431 to allow expungement of certain convictions relating to cannabis and to apply expungement retroactively; EFFECTIVE, in part, January 1, 2025.

AMENDMENT:

This bill amendment committee substitute is expected to:

- | | |
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| <input checked="" type="checkbox"/> Have the following Corrections impact | <input type="checkbox"/> Have no Corrections impact. |
| <input type="checkbox"/> Creates new crime(s) | <input checked="" 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 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)

The legislation would likely have a minimal to no impact to operational costs.

There is a potential to increase expungements received by the department. A minimum of two additional administrative staff will be needed to process additional expungements.

The legislative change could have an operational impact on the supervision of offenders, substance abuse treatment, and drug testing/monitoring.

DOC currently prohibits the personal use of cannabis as a condition of supervision. As a general practice, DOC responds to THC use with graduated sanctions involving treatment referral.

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 legalization of a personal use quantity of cannabis could decrease the number of offenders housed in county jails.

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

1/23/2024

Date