

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 90 Introduced. BR #: 27

BILL SPONSOR(S): Rep. R. Roberts

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to the regulation of cannabis and making an appropriation therefor.

SUMMARY OF LEGISLATION: Establish KRS Chapter 245, relating to adult use cannabis, to administer its cultivation, processing, transportation, sale, use, taxation, and licensing; establish the Adult Use Cannabis Control Board and its membership, procedures, powers, and duties; create a new section of KRS Chapter 431 to allow a person to petition the court to expunge the person's misdemeanor marijuana convictions; amend KRS 431.079 to exclude the expungement petition from the certification of eligibility requirement; apply the excise tax beginning on July 1, 2025, and allow cannabis sales beginning on July 1, 2026; Section 35 of Act, relating to expungement, is RETROACTIVE; APPROPRIATION.

AMENDMENT:

This bill amendment committee substitute is expected to:

Have the following Corrections impact

- Creates new crime(s)
- Increases penalty for existing crime(s)
- Increases incarceration
- Reduces inmate/offender services
- Increases staff time or positions
- Changes elements of the offense for existing crime(s)
- Otherwise impacts incarceration (Explain):

Have no Corrections impact.

- Repeals existing crime(s)
- Decreases penalty for existing crime(s)
- Decreases incarceration.
- Increases inmate/offender services.
- Reduces staff time or positions.

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 new exceptions relating to cannabis could potentially decrease the amount of people arrested/sentenced.

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 at the local level. Any new Class B misdemeanor would likely be housed in jail dependent on other convictions.

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

The bill provides new exceptions for trafficking, possession, cultivation in marijuana that would no longer be criminal, which would potentially decrease the amount of people arrested/sentenced. Since all misdemeanants and Class D felons and some Class C felons serve their sentence in a county jail, the population of local facilities could be directly impacted.

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