

# CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: SB 16 HCS 1

BR #: 3

BILL SPONSOR(S): Sen. J. Schickel

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to agricultural operation interference.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 511 to define terms; prohibit the operation of unmanned aircraft, video or audio recording devices, or photography equipment on or above a concentrated animal feeding operation or commercial food manufacturing or processing facility without written consent of the owner or authorized representative of the facility; establish a Class B misdemeanor for violations.

## AMENDMENT:

**SCS 1:** Delete original provisions; amend KRS 511.100, relating to trespass upon key infrastructure assets, to add commercial food manufacturing or processing facility, animal feeding operation, and concentrated animal feeding operation to the definition of "key infrastructure assets"; penalize those who operate an unmanned aircraft system, video recording device, audio recording device, or photography equipment on or above the assets without consent; penalize those who record or distribute unauthorized images or material of a concentrated animal feeding operation, animal feeding operation, or commercial food manufacturing or processing facility; allow any electric, water, or natural gas utility company or a person acting on behalf of an electric, water, or natural gas utility company to operate any unmanned aircraft system, video or audio recording device, or photography equipment on or above a concentrated animal feeding operation, animal feeding operation, or commercial food manufacturing or processing facility without consent of the owner or authorized representative of the facility for legitimate business purposes.

**GA:** Make title amendment.

**HCS 1:** Retain original provisions, except allow a federal, state, or local government law enforcement or regulatory officer or employee to operate any unmanned aircraft system, video or audio recording device, or photography equipment on or above a concentrated animal feeding operation, animal feeding operation, or commercial food manufacturing or processing facility without the consent of the owner or authorized representative of the facility while engaged in his or her official duties.

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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.

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**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 has no impact on operational costs at the state level.

**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)

Establishing new misdemeanor offenses could result in additional county prisoners being housed in county jails, but the impact is expected to be minimal. 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 misdemeanant: up to \$4,047.30.

**PROJECTED IMPACT FROM AMENDMENTS:**  NONE  MINIMAL to MODERATE (< \$1 million)  SIGNIFICANT (> \$1 million)

**SCS 1:** The committee substitute deletes original provisions and amends trespass upon key infrastructure. These changes will still have a minimal impact at the local level.

Establishing new criteria for misdemeanor offenses could result in additional county prisoners being housed in county jails, but the impact is expected to be minimal. 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 misdemeanant costs up to \$4,047.30.

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

**GA:** Title amendment has no additional impact


**HCS 1:** There is no additional impact from HCS 1.

*\*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:**   
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Chief of Staff, Kentucky Department of Corrections

**3/12/2024**  
Date