

# CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: SB 32 Introduced. BR #: 1207

BILL SPONSOR(S): Sen. J. Turner, L. Tichenor AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to driving under the influence of marijuana.

**SUMMARY OF LEGISLATION:** Amend KRS 189A.005 to define "marijuana concentration"; amend KRS 189A.010 to create a per se limit for a marijuana concentration measured by a blood test; create the presumption that a person is not under the influence if the marijuana concentration is less than four; amend KRS 189A.050, 189A.070, 189A.090, 189A.240, and 189A.410 to conform.

## 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 type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration  | <input 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 checked="" 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 no impact to 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)

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

Providing a requirement of specific marijuana concentration considerations could potentially decrease the number DUI arrests, which would decrease the number of county inmates in the jail.

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

A Class A misdemeanor is 90 days to 1 year in jail. One (1) Class A misdemeanant: \$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

**1/23/2024**

Date