

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: SB 362 Introduced. BR #: 1402

BILL SPONSOR(S): Sen. D. Yates, K. Berg

AMENDMENT SPONSOR(S):

TITLE: AN ACT proposing to create a new section of the Constitution of Kentucky relating to the possession of cannabis.

SUMMARY OF LEGISLATION: Propose to create a new section of the Constitution of Kentucky to guarantee the right of an individual 21 years of age or older to possess, use, buy, or sell one ounce or less of cannabis and to cultivate, harvest, and store up to five cannabis plants for personal use; for the production, processing, and sale of cannabis and cannabis-derived products to be controlled by the General Assembly; specify the question to be printed on the ballot; direct the Secretary of State to publish the proposed amendment in a newspaper of general circulation; direct the Secretary of State to certify the proposed amendment to the county clerk of each county.

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 very minimal decrease in operational costs as it decriminalizes the use, possession, purchase, or sale of one ounce or less of marijuana.

This could decrease the amount of people arrested/sentenced. Class D felons and some Class C felons serve their sentence in a county jail, for which DOC pays counties a per diem for housing those inmates.

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 very minimal decrease in operational costs as it decriminalizes the use, possession, purchase, or sale of one ounce or less of marijuana.

This could decrease the amount of people arrested/sentenced. All misdemeanants, Class D felons, and some Class C felons serve their sentence in a county jail, and 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

3/12/2024

Date