

CORRECTIONS IMPACT STATEMENT

SESSION: 25RS BILL #: HB 220 HCS 1

BR #: 833

BILL SPONSOR(S): Rep. R. Raymer, C. Aull

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to driving under the influence.

SUMMARY OF LEGISLATION: Amend KRS 189A.010, relating to driving under the influence, to provide that a third or subsequent offense of driving under the influence within a 10-year period is a Class D felony; provide that if a person is convicted of a third or subsequent offense of driving under the influence the minimum term of imprisonment shall be 120 days; amend KRS 189A.040, 189A.200, 189A.240, and 281A.2102 to conform.

AMENDMENT: Retain original provisions, except amend KRS 189A.010 to create enhanced penalties for a person under the age of 21 who operates a motor vehicle with an alcohol concentration of 0.02 or more; allow a violation of KRS 189A.010 by a person under the age of 21 who operates a motor vehicle with an alcohol concentration of 0.02 or more to be included as a prior offense for enhancement purposes; amend KRS 189A.070 to create enhanced periods of license suspension for a person under the age of 21 who operates a motor vehicle with an alcohol concentration of 0.02 or more; amend KRS 189A.340 and 189A.040 to conform.

This bill amendment committee substitute is expected to:

Have the following Corrections impact

Have no Corrections impact.

Creates new crime(s)

Repeals existing crime(s)

Increases penalty for existing crime(s)

Decreases penalty for existing crime(s)

Increases incarceration

Decreases incarceration.

Reduces inmate/offender services

Increases inmate/offender services.

Increases staff time or positions

Reduces staff time or positions.

Changes elements of the offense for existing crime(s)

Otherwise impacts incarceration (Explain):

STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$122.84. 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 \$47.43 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 increase in operational costs at the state level. Changing the criteria for Class D felony may lead to more individuals being incarcerated.

Class D felons are housed in a county jail, and DOC pays counties a per diem for housing those inmates. A Class D Felony sentence is 1 to 5 years.

- One (1) Class D Felon costs KY \$17,313.27 to \$86,566.34.
- Ten (10) Class D Felons cost KY \$173,132.67 to \$865,663.37.
- One hundred (100) Class D Felons cost KY \$1,731,326.74 to \$8,656,633.71.

Population counts and offender data are sourced from the Kentucky Offender Management System (KOMS). Cost to Incarcerate can be found on corrections.ky.gov/public-information.

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 \$47.43 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.*

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

HCS 1 – expands the penalties more than the original legislation. However, the overall impact is still minimal.

**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:  3/4/2025
Commissioner, Kentucky Department of Corrections Date