

CORRECTIONS IMPACT STATEMENT

SESSION: 25RS BILL #: HB 456 HCS 1

BR #: 444

BILL SPONSOR(S): Rep. P. Flannery

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to driving under the influence

SUMMARY OF LEGISLATION: Amend KRS 189A.010 to provide that operating a motor vehicle while the person's operator's license is suspended for a previous violation of driving under the influence or KRS 189A.090 is an aggravating circumstance; expand the list of controlled substances; amend KRS 189A.070 to extend the period of license suspension for a person who is issued an ignition interlock license for a first offense from four months to six months; require each person who is issued an ignition interlock license to comply with the consecutive day requirements in KRS 189A.340 within the last 90 or 120 days of the suspension period, and provide that if the person does not comply the period of suspension will continue until the consecutive day requirements are fulfilled; require that any period of license suspension be tolled during any sentence of imprisonment for a violation of KRS 189A.010; amend KRS 189A.340 to require a person whose license is suspended for a violation of KRS 189A.010(1)(a), (b), (e), or (f) to apply for an ignition interlock license; reduce the ignition interlock device installation fee to \$100 and require installation to not exceed three hours.

AMENDMENT: HCS 1 - Retain original provisions, except provide that an operator's license is suspended until the operator has his or her privilege to operate a motor vehicle or motorcycle reinstated following conviction for a violation of KRS 189A.010 or 189A.090; remove benzoylcegonine from the list of controlled substances; amend KRS 189A.105 to provide that at the time a blood test is requested, the person shall be informed that the fact of a refusal to submit to a blood test will result in suspension of his or her driver's license and if the person is convicted of a violation of KRS 189A.010, his or her license will be suspended; amend KRS 189A.340 to provide that the fee for the installation of an ignition interlock device shall not exceed \$300 on a vehicle that is an electric or hybrid vehicle, or a vehicle that requires an otherwise complex installation.

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 \$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 result in a minimal increase in operational costs at the state level by expanding the criteria that lead to a Class D felony.

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.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The legislation would likely result in a minimal increase in operational costs at the local level by expanding the criteria that lead to a Class D felony.

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.

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

HCS 1 – The committee substitute would increase the time someone is on a suspended license which could lead to additional offenses.

**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: 
Commissioner, Kentucky Department of Corrections

3/10/2025
Date