

# CORRECTIONS IMPACT STATEMENT

SESSION: 25RS BILL #: HB 493 GA

BR #: 1671

BILL SPONSOR(S): Rep. M. Pollock

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to the towing and storage of motor vehicles.

**SUMMARY OF LEGISLATION:** Amend KRS 281.630 to establish a towing and storage facility certificate and require applicants for a towing and storage facility certificate to file a rate sheet with the application and renewal for the certificate; amend KRS 281.631 to set a fee of \$10 for motor carrier plates for tow trucks; amend KRS 281.928 to require an entity requesting a vehicle in a storage facility to be held pending a civil or criminal investigation to notify the owner, lienholder, and insurer of a vehicle with 24 hours of a hold being initiated or released; amend KRS 281.930 to set limits on charges for storage on vehicles held for civil or criminal investigation; amend KRS 281.926 to require towing companies and storage facilities to have one rate sheet that is applicable to all customers and to establish that statements that misrepresent the scope of damages associated with a property, casualty, or property and casualty insurance claim are fraudulent insurance acts; make technical amendments; amend KRS 281.010 to define "towing and storage facility certificate"; amend KRS 281.990 to set penalties for violations of KRS 281.920 to 281.936.

**AMENDMENT:** GA – No Changes

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This  bill  amendment  committee substitute is expected to:

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|---|--|
| <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):                       |  |

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**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 for fraudulent insurance acts which have a penalty range of a Class A misdemeanor to a Class B 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.

Class C felons are able to serve their time in a county jail, but only if they are in community custody. DOC pays counties for housing those inmates. A Class C Felony sentence is 5 to 10 years.

- One (1) Class C Felon costs KY \$224,186.94 to \$448,373.88.
- Ten (10) Class C Felons cost KY \$2,241,869.38 to \$4,483,738.77.
- One hundred (100) Class C Felons cost KY \$22,418,693.84 to \$44,837,387.68.

Class B felons serve time in state prison. A Class B Felony sentence is 10 to 20 years.

- One (1) Class B Felon costs KY \$448,373.88 to \$896,747.75
- Ten (10) Class B Felons cost KY \$4,483,738.77 to \$8,967,477.54
- One hundred (100) Class B Felons cost KY \$44,837,387.68 to \$89,674,775.36

There are currently 7 inmates in custody and 59 offenders on supervision for fraudulent insurance acts. The population statistics are being provided to offer a reference for the number of offenders who commit similar crimes.

**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](http://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)

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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.

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 misdemeanor: up to \$4,269.02
- Ten (10) Class B misdemeanants: up to \$42,690.25
- One hundred (100) Class B misdemeanants: up to \$426,902.48

A Class A misdemeanor is 90 days to 1 year in jail.

- One (1) Class A misdemeanor: \$4,269.02 to \$17,313.27
- Ten (10) Class A misdemeanants: \$42,690.25 to \$173,132.67
- One hundred (100) Class A misdemeanants: \$426,902.48 to \$1,731,326.74

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