

CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 168

HCS 2

BR #: 126

BILL SPONSOR(S): Rep. K. Fleming, M. Whitaker

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to boating under the influence.

SUMMARY OF LEGISLATION: Amend KRS 235.240 to require that when a motorboat or vessel is involved in an accident that results in a fatality or serious physical injury, the investigating law enforcement officer shall seek a search warrant for blood testing of the operator of the motorboat or vessel unless the test has already been done by consent; apply the penalties for driving under the influence to boating under the influence; require that in addition to all other penalties, a person found guilty of boating under the influence shall complete a safe-boating course and pay \$100 to the Department of Fish and Wildlife Resources to cover the costs of materials and instruction for the course; amend KRS 235.990 to conform; create a new section of KRS Chapter 15 to require a public safety telecommunicator who receives a report of an accident involving a motorboat or vessel on any waters of the Commonwealth to report the accident to the Kentucky State Police post covering where the accident occurred; provide that the Act may be cited as Keegan's Law.

AMENDMENT: HCS 1: Retain original provisions; require that an investigating law enforcement officer seek a search warrant for blood testing of the operator of a motorboat or vessel that causes an accident that results in a fatality or serious bodily injury; make technical correction.

HCS2: Retain original provisions; require that an investigating law enforcement officer seek a search warrant for blood testing of the operator of a motorboat or vessel that causes an accident that results in a fatality or serious bodily injury; revert to existing language for penalties for boating under the influence; delete provisions requiring that the penalties for boating under the influence be the same as the penalties for driving under the influence.

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 \$116.41. 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 \$46.51 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 increasing the penalty for the offense of operating a motorboat or vessel while under the influence, which would align with the penalties for DUIs. Under the legislation, a fourth offense of operating a motorboat or vessel while under the influence would be 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 \$16,975.64 to \$84,878.20
- Ten (10) Class D Felons cost KY \$169,756.40 to \$848,781.99

- One hundred (100) Class D Felons cost KY \$1,697,563.98 to \$8,487,819.88

There are no inmates in custody, and 1 offender on supervision for Operating a boat under the influence. 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.

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 \$46.51 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 increasing the penalty for the offense.

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 \$16,975.64 to \$84,878.20
- Ten (10) Class D Felons cost KY \$169,756.40 to \$848,781.99
- One hundred (100) Class D Felons cost KY \$1,697,563.98 to \$8,487,819.88

Misdemeanor offenses could result in additional county prisoners being housed in county jails. Misdemeanants are housed at county jails and associated costs are the responsibility of the local fiscal court. DOC does not incur a cost for misdemeanor offenders.

A Class B misdemeanor is up to 90 days in jail.

- One (1) Class B misdemeanor: up to \$4,185.77
- Ten (10) Class B misdemeanants: up to \$41,857.74
- One hundred (100) Class B misdemeanants: up to \$418,577.42

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

- One (1) Class A misdemeanor: \$4,185.77 to \$16,975.64
- Ten (10) Class A misdemeanants: \$41,857.74 to \$169,756.40
- One hundred (100) Class A misdemeanants: \$418,577.42 to \$1,697,563.98

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: There is no additional impact.

HCS 2: removes impact from original bill and reverts to existing language for penalties for boating under the influence. As such, this substitute has no impact.

**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:  3/6/2026
Commissioner, Kentucky Department of Corrections Date