

CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 299

GA

BR #: 8

BILL SPONSOR(S): Rep. J. Nemes

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to machine gun conversion devices.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 527 to define "machine gun"; establish the offense of possession of a machine gun conversion device as a Class C felony.

AMENDMENT: HCS 1: Retain original provisions; change the culpable mental state to knowingly; prohibit conversion of a handgun into a machine gun.

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 creating a new Class C Felony.

The majority of Class C felons serve their time in a prison, although some Class C felons serve their time in a jail on community custody, during which time DOC would pay county jails a per diem rate for housing those inmates. The below calculations assume time is served in a prison.

A Class C Felony sentence is 5 to 10 years.

- One (1) Class C Felon costs KY \$212,440.64 to \$424,881.28
- Ten (10) Class C Felons cost KY \$2,124,406.41 to \$4,248,812.82
- One hundred (100) Class C Felons cost KY \$21,244,064.09 to \$42,488,128.18

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 creating a new Class C Felony.

