

# CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 646

Introduced

BR #: 496

BILL SPONSOR(S): Rep. N. Tate, T. Roberts, K. Banta, D. Fister, J. Hodgson, K. King, M. Lockett, C. Massaroni, K. Moser, M. Proctor

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to the use of pharmaceuticals to intentionally terminate life.

**SUMMARY OF LEGISLATION:** Amend KRS 218A.100 to place an abortion-inducing drug in Schedule IV; amend KRS 218A.1413 to include an abortion-inducing drug in the offense of trafficking in a controlled substance in the second degree; amend KRS 218A.1415 to include an abortion-inducing drug in the offense of possession of a controlled substance in the first degree, except when in the possession of a pregnant woman for her own personal use; create a new section of KRS Chapter 218A to establish the offense of importing an abortion-inducing drug amend KRS 216.302 to include providing any drug, medication, or other substance as a means of assisting another person to commit or attempt to commit suicide; increase the penalty from a Class D felony to a Class B felony when the act is done knowingly by force or duress and from a Class C to a Class B felony when a person knowingly or intentionally provides the physical means or participates in a physical act by which another person commits or attempts suicide; create a new section of KRS 216.300 to 216.308 to establish the offense of medically assisted aid in dying as a Class B felony; amend KRS 216.308 to provide for the revocation of a license upon a criminal conviction or plea of guilty of assisted suicide or medically assisted aid in dying; create a new section of KRS Chapter 411 to provide a civil cause of action for any person who sustains damages resulting from receiving an abortion-inducing drug; create a new section of KRS Chapter 216B to require the distribution of specified information to any patient who a physician or other healthcare provider believes is experiencing a complication as a result of taking an abortion-inducing drug; require the Cabinet for Health and Family Services to make specified information available on its website.

AMENDMENT:

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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 checked="" type="checkbox"/> Creates new crime(s)                                  | <input type="checkbox"/> Repeals existing crime(s)               |
| <input checked="" 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 \$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 expanding definitions of crimes and creating new offenses.

Section 2 expands the definition of trafficking in a controlled substance second degree, which is a Class D felony.

Section 3 expands the definition of possession of a controlled substances first degree, which is a Class D felony, and removes the option of deferment and probation.

Section 4 creates a new Class D felony, removes alternative sentencing for that felony, and requires 85% of the sentence to be served.

Section 5 expands the definition of assisted suicide and reclassifies it as a Class B felony.

Section 6 creates a new Class B felony for medically assisted aid in dying.

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 \$424,881.28 to \$849,762.56
- Ten (10) Class B Felons cost KY \$4,248,812.82 to \$8,497,625.64
- One hundred (100) Class B Felons cost KY \$42,488,128.18 to \$84,976,256.37

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

On average, increasing Parole Eligibility from 20% to 85% correlates to additional costs:

- A Class D Felony sentence is 1 to 5 years = additional 1,186 days x \$46.51 = \$55,160.86 per inmate.

The legislation would also require modifications to the Kentucky Offender Management System (KOMS) to create new felony offenses, with an estimated implementation cost of \$15,000.

There are currently no inmates in custody or offenders on supervision for abortion-related or assisted suicide offenses. 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 \$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 expanding definitions of crimes and creating new offenses.

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Section 3 expands the definition of possession of a controlled substances first degree, which is a Class D felony, and removes the option of deferment and probation.

Section 4 creates a new Class D felony, removes alternative sentencing for that felony, and requires 85% of the sentence to be served.

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

*\*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

3/12/2026  
Date