

# CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: HB 857

Introduced

BR #: 2473

BILL SPONSOR(S): Rep. S. Riley, K. Jackson, S. McPherson

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to driving under the influence.

**SUMMARY OF LEGISLATION:** Amend KRS 189A.010, relating to driving under the influence, to provide that a third or subsequent offense within a 10-year period is a Class D felony; provide that if a person is convicted of a third or subsequent offense the minimum term of imprisonment shall be 120 days; establish enhanced penalties for a person under the age of 21 who operates a motor vehicle with an alcohol concentration of 0.02 or more; allow a violation of KRS 189A.010 by a person under the age of 21 who operates a motor vehicle with an alcohol concentration of 0.02 or more to be included as a prior offense for enhancement purposes; amend KRS 189A.070 to create enhanced periods of license suspension for a person under the age of 21 who operates a motor vehicle with an alcohol concentration of 0.02 or more; amend various KRS sections to conform.

## AMENDMENT:

This  bill  amendment  committee substitute is expected to:

Have the following Corrections impact

Have no Corrections impact.

Creates new crime(s)

Repeals existing crime(s)

Increases penalty for existing crime(s)

Decreases penalty for existing crime(s)

Increases incarceration

Decreases incarceration.

Reduces inmate/offender services

Increases inmate/offender services.

Increases staff time or positions

Reduces staff time or positions.

Changes elements of the offense for existing crime(s)

Otherwise impacts incarceration (Explain):

**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 the definition of an existing 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

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

There are currently 208 inmates in custody and 2,588 offenders on supervision for driving under the influence 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 the definition of an existing 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 currently 208 inmates in custody and 2,588 offenders on supervision for driving under the influence 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).*

**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

3/23/2026  
Date