

CORRECTIONS IMPACT STATEMENT

SESSION: 26RS BILL #: SB 164

Introduced

BR #: 2039

BILL SPONSOR(S): Sen. G. Clemons

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to cannabis.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 218A to make possession of a personal use quantity of cannabis exempt from civil or criminal penalty; amend KRS 218A.010 to define "cannabis," "personal use quantity of cannabis," and "cannabis accessory"; redefine "marijuana"; amend KRS 218A.1422, regarding cannabis possession, to conform; amend KRS 218A.1423, regarding cannabis cultivation, to conform; amend KRS 218A.500, regarding drug paraphernalia, to exempt personal use cannabis accessories; amend KRS 218A.1421, regarding cannabis trafficking, to exempt personal use quantities; amend KRS 138.872 to exclude personal use quantities from the cannabis stamp tax; amend KRS 218A.276, 218A.410, and 533.030 to conform; create a new section of KRS Chapter 431 to allow expungement of certain convictions relating to cannabis and to apply expungement retroactively; RETROACTIVE, in part.

AMENDMENT:

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 to operational costs for DOC. Two (2) additional Administrative Specialist staff will be needed to process additional expungements. Personnel expenses are estimated to be \$115,000 annually.

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. The salary amounts provided are based on the Personnel Cabinet's salary schedule, in addition to taxes and retirement contributions.

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 decrease to operational costs at the local level.

This bill removes penalties for the possession, cultivation, or trafficking of up to eight ounces or five plants of marijuana, which would likely reduce the local jail population.

