

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: SB 13 Introduced

BR #: 161

DOC ID#: BR016100.100 - 161 - 1083

BILL SPONSOR(S): Sen. P. Clark

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to the regulation of cannabis and making an appropriation therefor..

SUMMARY OF LEGISLATION: Establish KRS Chapter 245 to regulate the cultivation, testing, processing, taxing, and sale of marijuana to persons aged twenty-one years and older; amend various sections to conform; repeal KRS 218A.1421, KRS 218A.1422, and KRS 218A.1423.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|---|---|
| <input type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input checked="" type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input checked="" 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 offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain)_____ | |

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$61.09. Most Class D felons are housed in one of 78 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$32.51 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

Projected Impact: NONE MINIMAL MODERATE SIGNIFICANT

Potential Impact: Section 2 of this bill would allow a person age 21 or older to possess up to one (1) ounce of cannabis on his or her person; Possess and cultivate up to five (5) cannabis plants for personal consumption; Transfer one (1) ounce or less of cannabis and up to five (5) immature cannabis plants to persons twenty-one (21) years of age or older without remuneration. Current data reflects 148 offenders are currently incarcerated or under state supervision for cultivating in marijuana or trafficking marijuana less than 8 ounces subsequent offender. Section 7 of this bill creates a Class D felony offense of unlawful cannabis cultivation of eleven (11) or more plant. Current data reflects 80 offenders are currently incarcerated or under state supervision for cultivating in marijuana greater than 5 plants. Although the exact amount is unknown, by lowering the quantity threshold has the potential to reduce cost associated with incarceration.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$118,660 to \$593,310.

1 Class D Felon costs Ky. \$11,866 to \$59,331.

100 Class D Felons cost \$1.1M to \$5.9M.

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. While the expense varies by jail, this estimated impact will be based on \$31.92 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Projected Impact: NONE MINIMAL MODERATE SIGNIFICANT

Potential Impact: Section 2 of this bill would allow a person age 21 or older to possess up to one (1) ounce of cannabis on his or her person; Possess and cultivate up to five (5) cannabis plants for personal consumption; Transfer one (1) ounce or less of cannabis and up to five (5) immature cannabis plants to persons twenty-one (21) years of age or older without remuneration. CY2015 AOC data reflects there were 9,467 possession of marijuana convictions and 744 convictions for trafficking in marijuana less than 8 ounces first offense.

Section 4 creates a Class A misdemeanor offense for any person under 21 years of age who possess for his or her own use or purchase or attempt to purchase or have another purchase for him or her any cannabis or cannabis products, or any person under 21 years of age who remains on any premises where cannabis and cannabis products are sold.

Section 7 of this bill creates a Class A offense misdemeanor offense of unlawful cannabis cultivation of six (6) to ten (10) cannabis plants and a Class B misdemeanor offense of unlawful cannabis cultivation of five (5) or fewer cannabis plants. Current data reflects offenders are currently incarcerated or under state supervision for cultivating in marijuana greater than 5 plants.

Current data reflects 80 offenders are currently incarcerated or under state supervision for cultivating in marijuana greater than 5 plants. Although the exact amount is unknown, by lowering the quantity threshold from a felony level to misdemeanor has the potential to increase cost associated with incarceration.

A Class A misdemeanor is 90 days to 1 year in jail
1 Class A misdemeanor: \$2,873. to \$11,650.
10 Class A misdemeanants: \$28,728 to 116,500.
100 Class A misdemeanants: \$287,300 to \$1.1M.

A Class B misdemeanor is up to 90 days in jail.
1 Class B misdemeanor: up to \$2,873.
10 Class B misdemeanants: up to \$28,728.
100 Class B misdemeanants: up to \$287,300.

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 or that impose new obligations on state or local governments.

APPROVED BY:

Commissioner, Kentucky Department of Corrections

Date