

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 22 SCS 1

BR #: 2

DOC ID#: HB002240.100 - 2 - XXXX

BILL SPONSOR(S): Rep. D. St. Onge, R. Meeks, J. Miller

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to public safety.

SUMMARY OF LEGISLATION: Amend KRS 446.010 to define "unmanned aircraft system"; create a new section of KRS Chapter 500 to prescribe permitted and prohibited uses of drones; provide exceptions; prohibit use of evidence obtained by a drone in violation of stated prohibitions; authorize that section to be cited as the "Citizens' Freedom from Unwarranted Surveillance Act"; create a new section of KRS Chapter 501 to clarify criminal liability for offenses committed using a drone; create a new section of KRS Chapter 525 to create the offense of obstructing an emergency responder.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input checked="" type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input 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 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 \$70.12. Most Class D felons are housed in one of 76 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$31.45 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 MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

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 \$31.34 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Projected Impact: NONE MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

HB 22 prohibits unmanned aircraft systems (with the exception of the Armed Forces) from being equipped with a lethal payload. The bill allows businesses to use unmanned aircraft systems for lawful business and provides for use by educational institutions, government agencies, and recreational users.

The legislation prohibits law enforcement from using unmanned aircraft systems to conduct searches unless allowable by the United States Constitution and the Kentucky Constitution. Authorized warrants shall specify searches utilizing unmanned aircraft systems. The bill provides instructions for use by law enforcement, including data and evidence collection.

Misuse of unmanned aircraft systems by businesses or recreational users shall be a violation for the first offense and a Class B misdemeanor for the second or subsequent offenses.

A person is guilty of an offense committed through use of an unmanned aircraft system if the unmanned aircraft system is under his or her control and the conduct would be criminal if performed directly by the person.

Due to the limited number of arrests and resulting misdemeanor offenders generated under this legislation, the impact to incarceration at the county level would be minimal.

Senate Committee Substitute:

The Senate Committee Substitute extends protection to emergency responders. No person shall intentionally obstruct or disrupt an emergency responder from performing his or her official duties. Obstructing an emergency responder is a violation for a first offense, and a Class B misdemeanor for a second or subsequent offense.

There would be limited impact to local corrections under the Senate Committee Substitute due to the limited number of offenses this legislation would generate.

A Class B misdemeanor is up to 90 days in jail.

10 Class B misdemeanants: up to \$28,206

1 Class B misdemeanor: up to \$2,821

100 Class B misdemeanants: up to \$282,060

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. The Department of Corrections and local jails continue to operate over capacity. Without steps to reduce the population, any legislation that increases population or lengthens the term of incarceration will have a significant impact on correctional operations.

APPROVED BY:



Commissioner, Kentucky Department of Corrections

2/23/2018

Date