

CORRECTIONS IMPACT STATEMENT

SESSION: 18RS

BILL #: HB 324 SCS 1

BR #: 1219

DOC ID#: HB032440.100 - 1219 - XXXX

BILL SPONSOR(S): Rep. D. St. Onge, S. Westrom **AMENDMENT SPONSOR(S):**

SUBJECT: AN ACT relating to trespass.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 511, to establish the offense of trespass upon key infrastructure assets.

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)

The legislation provides for an offense of trespass upon key infrastructure assets if knowingly enters or unlawfully remains on the property or if uses an unmanned aircraft system with the intent to conduct surveillance or collect information about key infrastructure assets without prior written consent.

Trespass upon key infrastructure assets would be a Class B misdemeanor for a 1st offense and a Class A misdemeanor for a 2nd or Subsequent Offense.

Since this bill does not create any new felonies, it will not have an impact on Department of Corrections' incarceration rate.

This bill does have the potential to create misdemeanor offenders, who may either be placed on supervision or serve a misdemeanor jail sentence. Incarceration for these misdemeanor offenses would be at the expense of the counties.

The amount of offenders this legislation would produce is unknown, however, it is expected the numbers would be of such that the impact to local jails would be minimal.

House Committee Substitute:

The House Committee Substitute adds wireless communications facilities to the list of key infrastructure assets.

There is no impact to the Department of Corrections under the Committee Substitute.

Senate Committee Substitute:

The Senate Committee Substitute removes under the offense of trespassing by an unmanned aircraft wording related to collecting information and photographically or electronically recording information about key infrastructure assets. The wording that remains

is trespassing with the intent to cause harm or damage or conduct surveillance. Wording is expanded to include an individual who knowingly uses "or retains or authorizes a person to use" an unmanned aircraft for the purpose of trespassing over key infrastructure assets. Also removed is the requirement that consent be in writing.

There is no impact to the Department of Corrections under the Committee Substitute.

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

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

A Class A misdemeanor is 90 days to 1 year in jail

1 Class A misdemeanor: \$2,821 to \$11,439

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

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

10 Class A misdemeanants: \$28,206 to \$114,391

100 Class A misdemeanants: \$282,060 to \$1,143,910

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:



Deputy Commissioner, Kentucky Department of Corrections

3/26/2018

Date