

# CORRECTIONS IMPACT STATEMENT

SESSION: 18RS BILL #: SB 42 Introduced BR #: 364 DOC ID#: BR036400.100 - 364 - XXXX

BILL SPONSOR(S): Sen. Robin Webb AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to the lawful taking of wildlife.

**SUMMARY OF LEGISLATION:** Amend KRS 150.363 to define "unmanned aircraft systems" and prohibit the use of unmanned aircraft systems to track, hunt, or harvest wildlife; amend KRS 150.710 to prohibit the use of unmanned aircraft systems to conduct surveillance of persons lawfully engaged in hunting, trapping, or fishing.

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 proposed legislation provides a definition for unmanned aircraft systems in KRS 150.363 and prohibits the use of unmanned aircraft systems to track, hunt, or harvest wildlife. Additionally, under KRS 150.710 the use of unmanned aircraft systems to conduct video surveillance of individuals lawfully hunting, trapping, or fishing shall be considered obstruction.

Under KRS 150.990, a person who violates the provisions of KRS 150.363 shall be fined \$100-\$500 and/or imprisoned for no more than six (6) months. Additionally, violation of KRS 150.710 shall be a Class B misdemeanor for the first conviction and a Class A misdemeanor for a subsequent conviction.

AOC records indicate there were thirteen (13) charges filed but zero (0) convictions under KRS 150.363 or KRS 150.710 during FY2015-2017.

It is not known how many additional offenders would receive convictions under the provisions of SB 42, however, the expected impact on local corrections would be minimal.

A Class A misdemeanor is 90 days to 1 year in jail	10 Class A misdemeanants: \$28,206 to \$114,391
1 Class A misdemeanor: \$2,821 to \$11,439	100 Class A misdemeanants: \$282,060 to \$1,143,910
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:

  
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Commissioner, Kentucky Department of Corrections

1/10/2018

Date