

## House Bill 5 Would Cost Kentucky More Than \$1 Billion Over the Next Decade

[House Bill \(HB\) 5](#) will be incredibly expensive for Kentucky at state and local levels. An analysis of Kentucky Department of Corrections (DOC) data and a [Corrections Impact \(CI\) statement](#) from an earlier version of the bill predicts a \$1 billion dollar price tag based on select provisions over the next decade.

**HB 5's expansion of Kentucky's violent offender statute will cost over \$800 million.** HB 5 seeks to expand the [violent offender statute](#) by adding six new offenses and all attempts to commit a violent offense, expanding who must serve 85% of their sentence before parole eligibility to lower-level felonies and crimes involving "death or serious physical injury to the victim," and establishing a three strikes law tied to the violent offender definition.

### Increase in Correction Costs from 85% of Sentence Served Requirement

Number of Kentuckians currently serving sentences that would have an 85% serve requirement if HB 5 had been in effect at the time of their conviction, and the cost of increasing those sentences from 20% to 85% of time served

<b>New 85% minimums</b>	<b>Number currently serving sentence</b>	<b>Added Cost</b>
KRS 508.020 - Has death or serious physical injury as an element of the crime	1,123	\$311,626,761
KRS 515.030 - Newly added to violent offender statute	792	\$219,776,040
KRS 508.025 - Has death or serious physical injury as an element of the crime	692	\$95,965,854
KRS 507.040 - Has death or serious physical injury as an element of the crime - in some very limited cases must already serve 50% of sentence	273	\$75,756,135
KRS 508.170 - Newly added to violent offender statute	243	\$67,431,285
KRS 508.100 - Has death or serious physical injury as an element of the crime	176	\$48,839,120
KRS 508.110 - Has death or serious physical injury as an element of the crime	118	\$16,364,122
KRS 530.064 - Includes Class C only	66	\$18,314,670
KRS 507.050 - Has death or serious physical injury as an element of the crime - in some very limited cases must already serve 50% of sentence	44	\$6,101,876
KRS 531.320 - Includes Class C only	31	\$8,602,345
KRS 531.310 - Includes Class C only	29	\$8,047,355
KRS 507A.040 - Has death or serious physical injury as an element of the crime - In some very limited cases must already serve 50%	5	\$693,395
KRS 529.100 - Includes Class C only	3	\$832,485
KRS 507A.050 - Has death or serious physical injury as an element of the crime - In some very limited cases must already serve 50%	1	\$138,679
KRS 508.182 - Has death or serious physical injury as an element of the crime	-	\$0
<b>Total</b>	<b>3,596</b>	<b>\$878,490,123</b>

Source: Analysis of data from the Kentucky Department of Corrections (DOC). Number of sentences being served is from Open Records Request 24-024 from DOC with letter dated Feb. 15, 2024, and follow up request dated Feb. 23, 2024. Average cost of increasing sentences from 20% to 85% of sentence is included in the Corrections Impact Statement for HB 5 and amount assigned is based on the most common classification of the felony. Most people are not paroled at 20% of sentence so table represents the maximum cost. Table represents sentences being served for 3,179 distinct people, so slightly overestimates costs for some unknown number of people convicted of multiple sentences who are serving them concurrently as opposed to consecutively. Table only includes Class C and D felonies because A and B felonies are already serving 85% of their sentence.

**HB 5 enhances other penalties that will add hundreds of millions in costs.**

- The [CI](#) on an older version of the bill estimates that increasing the penalties for fleeing and evading police alone will cost the state between \$311 million and \$545 million over a decade.
- HB 5 provides that anyone who possessed a gun (whether functioning or not or used in the underlying offense or not) who is a convicted felon, on any form of release after a conviction of violence” (which is not defined) or knew or should have known the firearm was stolen not be eligible for probation.
- HB 5 also creates one new capital offense, one new Class A felony, three Class B felonies, and one Class D felony. Here is an estimated cost for each person convicted:

**Cost of Incarceration by Felony Level**

Cost ranges for the total cost of incarceration per offender by offense type

Classification	Sentence Length	Minimum Cost	Maximum Cost
A Felony	20 years or more	\$853,589	
B Felony	10 to 20 years	\$426,794	\$853,589
C Felony	5 to 10 years	\$213,397	\$426,794
D Felony	1 to 5 years	\$16,414	\$82,070

Source: Corrections impact statement for 2024 HB 5/HCS.

Note: There is no maximum cost for Class A felonies because some include a life sentence without parole.

**HB 5 will crowd local jails and negatively impact county budgets:**

- [More people will be held pretrial](#) because the new crimes and penalty enhancements in HB 5 will likely result in higher bail amounts.
- Jails will be overcrowded as people await transfer to prison. The number of people convicted of higher-level felonies who are not eligible for probation and subject to the 85% serve requirement will increase each year. As prisons fill, even more people will be backed up in jails awaiting a prison bed to become available. Forty-two of Kentucky’s 72 full-service jails are [over capacity](#).
- People serving state sentences in local jails (C and D felonies) will be there longer because of the expansion of the 85% served requirement.
- There will be more incentive to keep people convicted of felonies in county jails rather than prisons as costs to DOC increase. The average cost differential between incarcerating someone in a jail rather than a prison is \$71.96 a day, or \$26,265 per year.

**HB 5 will result in increased costs for health care and housing due to growth in the aging incarcerated population.**

- The increase in incarceration will inevitably result in the need for new or expanded jails and prisons.
- DOC estimates medical costs will cost 26% more (\$31 more/day) than they do now because of the increased length of sentencing and aging incarcerated population.