

**Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2015 Regular Session**

Part I: Measure Information

Bill Request #: 1500

Bill #: HB 332

Bill Subject/Title: AN ACT relating to day reporting centers.

Sponsor: Representative Jeffery Donohue

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: County Jails.

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

This proposal provides for day reporting programs as an alternative sentencing option for the court system and probation. "Day reporting program" means "a community-based, structured sentencing program that combines enhanced community supervision with resources and services tailored to meet identified offender needs operated by a local jail or adult detention center."

The program allows eligible offenders defined as an individual convicted of a misdemeanor or a felony who is eligible to serve all or part of his or her sentence in the county jail, or who is found in contempt of court, and who meets the intake criteria established by the day reporting program, to participate in this program in lieu of incarceration, thereby, reducing the population within the main jail facility.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 332 on local governments is expected to be a moderate savings.

Offenders that would normally be sentenced to incarceration might be eligible for

participation in a day reporting program.

The following Louisville Metro-specific data was made available by GEO Reentry Services regarding the day reporting program they helped establish in Louisville. Louisville Metro Department of Corrections (LMDOC) when faced with jail overcrowding adopted a day reporting program in March 2011. The initial program had 75 participants, and included an offender-specific curriculum that has since been proven effective at reducing repeat offenders. The program provides treatment, accountability and public safety to the community. Participants are on electronic monitoring and are required to report to the program for alcohol and drug testing as well as weekly cognitive skills training to change criminal thinking. The program has benefitted Jefferson County financially saving them \$43 per day per participant. Per day cost of incarceration to Jefferson County was \$65 per participant. The day reporting program cost was \$18 per day per participant. **The County has saved over \$2 million dollars from program inception to February 2014** after the cost of jail days for program violators. 50% of participants found and maintained full-time employment, with an additional 20% employed part-time. In addition to savings generated by avoiding jail bed days, the community benefitted from increased child support payments.

While the program in Jefferson County has produced tangible savings, it is not known how much savings could be expected statewide, particularly in more rural areas.

In addition to other intake requirements, eligible participants are those individuals convicted of a misdemeanor or a felony who are eligible to serve all or part of his or her sentence in the county jail.

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to one year. Misdemeanants are housed in one of Kentucky's 78 full service jails or five life safety jails.

When a court denies bail to a Class D or Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 78 full service jails or five life safety jails. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 18 months or less to their minimum expiration date or parole eligibility date.

While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. The Department of Corrections pays a jail \$31.34 per day to house a class D or C felon. **The per diem reimbursement for housing a Class D or C felon may be less than, equal to, or greater than the actual housing cost, thus, the savings could be proportionally less or more.**

Data Source(s): GEO Reentry Services; Louisville Metro Department of Corrections; LRC Staff

Preparer: Wendell F. Butler **Reviewer:** MCY **Date:** 2/10/15