



HB 489, Section 2 would amend KRS 421.500 (1)(b) to reflect re-numbering of subparagraphs in KRS 532.055(2) which would result from adding to the list of evidence a prosecutor may present to a jury in the sentencing phase of a criminal trial.

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

#### **HB 489 would have a minimal to moderate fiscal impact on local governments.**

In calendar year 2014 there were 128,990 misdemeanor charges brought in Kentucky. Of that number 143 charges are known to have gone to a jury trial. HB 489 could result in more and longer jail sentences, either because a jury would hear evidence of a misdemeanor's criminal and violation history, or because a prosecutor, knowing that under the bill evidence of a misdemeanor's criminal and violation history could be presented to a sentencing jury, might insist on more onerous penalties, including more jail time, before the prosecutor would agree to settlement of charges without trial. Local governments are responsible for the costs of incarceration of misdemeanants so, under either scenario costs to local governments would increase. Since it is not known how many additional days of incarceration the changes in HB 489 would cause, it is not possible to more precisely quantify the fiscal impact of HB 489 on local jurisdictions.

Persons convicted of a Class A or Class B misdemeanor may be incarcerated for up to one year or up to 90 days, respectively, and are housed in one of Kentucky's 78 full service jails or five life safety jails, at the expense of the county where the misdemeanor is housed. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

Similarly, the additional evidence allowed in a felony sentencing hearing by HB 489 could result in longer sentences for convicted felons. Such longer sentences have the potential to increase revenue to local governments. Again, while the expense of housing varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays local jails \$31.34 per day to house a Class D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

**Data Source(s):** Kentucky County Attorney's Association, Administrative Office of the Courts, Office of the McCracken County Attorney,

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