

SB 12 makes trafficking with any amount of heroin a Class C felony for the 1st offense and a Class B felony for subsequent offenses.ⁱⁱ

Local governments are responsible for the cost of incarcerating individuals who are charged with a felony (if they do not make bail) until disposition of the case. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$33.26 per day.

Upon sentencing, most Class D felons are housed in any one of 79 full service jails for the duration of their sentence. Certain Class C felons are housed in local jails. The state pays at the rate of \$33.26 per day including a medical allowance for these prisoners. This amount may or may not cover the actual cost of housing the felon in a local facility.

SB 12 could impact the number of state inmates housed at local jails. The bill makes trafficking in any amount of heroin a Class C felony. 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. Further, SB 12 requires inmates to serve at least 50% of their sentence before they are parole eligible. This potentially means fewer inmates would be eligible for lodging in local jails.

It is doubtful that SB 12 will deplete the number of state inmates eligible for placement in local jails to the point of impacting local government revenue. As of October 30, 2014, there were 1,745 Class C inmates housed in local jails.

Data Source(s): Kentucky State Police; Administrative Office of the Courts

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ⁱ Administrative office of the Courts, 385 or 50% of the cases during FY 2013 were for 1st degree, 1st offense (<2 grams heroin).

ⁱⁱ KRS 532.060, A Class D felony is punishable by a term of imprisonment from 1 to 5 years; a Class C felony is punishable by a prison sentence of 5 to 10 years; a Class B felony is punishable by a prison sentence of 10 to 20 years; and a Class A felony is 20 to 50 years imprisonment.