# Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2016 Regular Session

### **Part I: Measure Information**

Bill Request #: 468
Bill #: HB 223
Bill Subject/Title: AN ACT relating to attorneys and their non-lawyer assistants.
Sponsor: Representative James Kay
Matrix       Matrix
Office(s) Impacted: County Jails; Prisons;
Requirement: <u>X</u> Mandatory Optional
Effect on Powers & Duties: Modifies Existing X Adds New Eliminates Existing

## Part II: Purpose and Mechanics

HB 223 creates a new section in KRS Chapter 520, protecting attorneys and their assistants from contraband charges in the first and second degrees for bringing cell phones or other electronic devices in local jails so long as they maintain the device and so long as they are not being detained within the facility.

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

#### The fiscal impact of HB 223 is expected to be minimal.

Promoting contraband is a Class D felony if in the first degree and is a Class A misdemeanor in the second degree. When a court denies bail to a Class D 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. While the expense of housing inmates 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 a jail \$31.34 per day to house a 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. A person convicted of a Class A misdemeanor may be incarcerated for up to one year. 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.

The impact of HB 223 is likely to be minimal because the number of attorneys and assistants charged with contraband  $1^{st}$  or  $2^{nd}$  is likely to be low. Additionally, local jails would be reimbursed for any contraband  $1^{st}$  charges.

## Data Source(s): Kentucky Sheriff's Association; Kentucky Jailers Association; Administrative Office of the Courts;

<b>Preparer:</b>	Daniel Carter	<b>Reviewer:</b>	JWN	Date:	1/19/16
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