

The number of violators of HB 257 should not be large, so its passage would result in minimal increase in work load for local law enforcement and minimal increase in incarceration rates and costs for local jails. The greatest fiscal impact of the bill would be local prosecutors' increased costs, which may be significant, due to the necessity of medical expert witnesses for cases that go to trial. Such expert testimony may cost \$3000-5000 per trial. Since commonwealth's attorneys prosecute felonies any increased costs would fall more on their offices than on county attorneys, who prosecute misdemeanors.

When a court denies bail to a 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. While the expense of housing inmates varies by jail each additional inmate increases facility costs by an estimated average of \$31.34 per day. 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. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.

Data Source(s): LRC staff, Kentucky County Attorneys' Association

Preparer: Mary Stephens **Reviewer:** JWN **Date:** 1/26/16