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

Part I: Measure Information

Bill Request #: 1169
Bill #: HB 451
Bill Subject/Title: AN ACT relating to shock probation.
Sponsor: Representative Benvenuti
Unit of Government: X City X County X Urban-County X Charter County X Consolidated Local X Government
Office(s) Impacted: City and County Jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing Part II: Purpose and Machanics

Part II: Purpose and Mechanics

HB 451 amends KRS 439.265(4) by prohibiting shock probation from a person convicted of manslaughter in the second degree or reckless homicide, if the manslaughter or homicide offense occurred out of an incident while driving under the influence.

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

HB 451 is expected to have minimal impact on local governments.

Manslaughter in the second degree, and reckless homicide are Class C and D felonies, respectively. 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. 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. Class C felons, however, 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

Class D and Class C felons. Since the per diem pays for the estimated average cost of housing a Class D and a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.

Because the inmate will have already been sentenced before becoming eligible for shock probation, and any expenses for Class C and D felonies are reimbursed per diem to local governments, this bill is expected to have minimal impact.

Data Source(s): <u>Kentucky Jailers Association; Kentucky Association of Chiefs of Police;</u>

Kentucky Sheriffs' Association

Preparer: Daniel Carter **Reviewer:** JWN **Date:** 2/10/16