

The fiscal impact of HB 222 HCS on local governments would be none to minimal

Manslaughter II is a Class C felony offense, and Reckless Homicide a Class D felony. The Department of Corrections reports that in 2016 six (6) inmates serving jail time on a Manslaughter II or Reckless Homicide conviction were released on shock probation, and only three (3) of those inmates had an accompanying DUI conviction. Fetal homicide in the third degree is a Class C felony. Fetal homicide in the fourth degree is a Class D felony. While the number of defendants in Kentucky convicted of a DUI offense **and** fetal homicide is unknown it likely is not a high number. Given the likely small number of defendants to whom HB 222 HCS would apply, a bill denying consideration of shock probation for such inmates would have little to no fiscal impact on local governments.

What impact there could be would be due to a local jail holding some state inmates for a longer period because they aren't eligible for shock probation. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections (DOC) pays a jail to house felony offenders. Based on this amount, each felony inmate not eligible for shock probation should cost a local jail \$11,439.10 a year (\$31.34/day x 365 days) and the jail should be reimbursed that same amount. Upon sentencing a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. 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.

The local government is responsible for incarcerating a Class C felony defendant until disposition of his or her case in one of Kentucky's 76 full service jails or five life safety jails. While, again, the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which is the amount the DOC pays a local jail for housing a state inmate. Class C felons are ineligible for placement in a local jail until they are classified at the lowest custody level with 24 months or less to their minimum sentence expiration date or parole eligibility date. DOC pays local jails \$31.34 per day to house 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 Sources: Kentucky Department of Corrections

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