## Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2017 Regular Session

**Part I: Measure Information** 

Bill Request #: BR 210	
Bill #: HB 46	
Bill Subject/Title: An ACT relating to controlled substances.	
Sponsor: Rep. Joseph Fisher	
Unit of Government:        x     City     x     County     x     Urban-County       x     Charter County     x     Consolidated Local     x     Government	
Office(s) Impacted: Jails and law enforcement offices	
Requirement:x Mandatory Optional	
Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing	
Part II: Purpose and Mechanics	

HB 46 amends KRS 218A.1412 to provide that a person knowingly and unlawfully trafficking in **any quantity** of fentanyl or carfentanil is guilty of "trafficking in a controlled substance in the first degree.

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

The fiscal impact of this bill will be minimal. Trafficking in fentanyl or carfentanil will now be a Class C felony for the first offense and a Class B felony for second or subsequent offense. This will result in some indeterminate and minor increase in arrests and jailing for Class C (and Class B offenses).

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 76 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, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Class C felons are

ineligible for placement in local jails until they are classified at the lowest custody level with 24 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.

## **Substance Abuse Program:**

Twenty-three full service jails provide an in-patient substance abuse program (SAP) to over 1,100 convicted felons and 166 non-state offenders incarcerated in the jails. The estimated average cost of jailing a convicted felon participating in a SAP is \$40.34 per day. This amount is reimbursed by the Department of Corrections and is \$9 more than the estimated average cost of \$31.34 per day reimbursement. Since the \$40.34 per diem pays for the estimated average cost of housing a convicted felon participating in a SAP, the per diem may be less than, equal to, or greater than the actual housing cost.

<b>Data Source(s):</b>	Kentucky Association of Chiefs of Police; Kentucky Jailers Association;
	Kentucky Sheriffs Association; Kentucky Department of Corrections

**Preparer:** H. Marks **Reviewer:** JWN **Date:** 1/2/17