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

Part I: Measure Information

Bill Request #: 1550
Bill #: HB 485
Bill Subject/Title: AN ACT relating to possession and trafficking in controlled substances.
Sponsor: Representative Rick Rand
Unit of Government: x City x County x Urban-County x Charter County x Consolidated Local x Government Office(s) Impacted: local law enforcement offices; county jails
Requirement: x Mandatory Optional
Effect on Powers & Duties:x Modifies Existing Adds New Eliminates Existing
Part II: Purpose and Mechanics

HB 485 amends KRS 218A.135 (relating to controlled substances) to state that a defendant charged with an offense under KRS Chapter 218A may be detained for up to 72 hours at the judge's discretion.

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

The fiscal impact of HB 485 is minimal. There may be some additional costs sustained by county jails as a consequence of the 72-hour detention provisions of this bill. Jail costs are described below.

Class B and Class A misdemeanors:

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to one year. Misdemeanants are housed in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical that Department of Corrections pays jails to house felony offenders. 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.

Class D and Class C felons:

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 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. 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.

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. 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): Kentucky Jailers association; Kentucky sheriffs Association; Kentucky Association of Chiefs of Police

Preparer: H. Marks Reviewer: KHC Date: 2/20/17