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

Part I: Measure Information

Bill Request #: 463
Bill #: SB 14 GA
Bill Subject/Title: An ACT relating to trafficking in heroin.
Sponsor: John Schickel
Unit of Government: x City x County x Urban-County Unified Local x Charter County x Consolidated Local x Government
Office(s) Impacted: Jailers; all law enforcement offices
Requirement: x Mandatory Optional
Effect on Powers & Duties:x _ Modifies Existing Adds New Eliminates Existing
Part II: Purpose and Mechanics

SB 14 GA retains the bill's original provisions and additionally provides that a person convicted of a Class C felony or higher for trafficking less than two grams of heroin may be released on probation, shock probation, prole, condition discharge, or other form of early release **once he or she has served at least 20% of the imposed sentence**.

SB 14 GA amends KRS 218A.1412 to require that persons who traffic in **any quantity of heroin or fentanyl** now be charged as Class C felons for the first offense, and Class B for second and subsequent offenses.

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

The fiscal impact of SB 14 GA is indeterminate and will be minimal. There will likely be an indeterminate increase in arrests and incarcerations for Class C (and also Class B) felonies. The effect of Class C felony incarcerations on local governments is described below.

Class C Felonies:

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.

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.

Data Source(s): Kentucky Jailers Association; Kentucky Association of Chiefs of Police;

Kentucky; Kentucky Sheriffs Association; Kentucky Department of

Corrections

Preparer: H. Marks **Reviewer:** KHC **Date:** 2/15/17