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

Part I: Measure Information

Bill Request #: 177
Bill #: SB 39 GA
Bill Subject/Title: AN ACT relating to jailers and declaring an emergency.
Sponsor: Senator Danny W. Carroll
Unit of Government: City X County Urban-County Charter County Consolidated Local Government
Office(s) Impacted: Fiscal Courts and Jailers
Requirement: <u>X</u> Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX Adds New Eliminates Existing

Part II: Purpose and Mechanics

Section 106 of the Kentucky Constitution and KRS 64.350 provide that jailers in counties with a population of 70,000 or more are paid out of the State Treasury pursuant to any salary schedule in KRS Chapter 64. As provided by KRS 64.152, the salaries of jailers in counties with a population of 70,000 or less are set by the fiscal court. Of the counties with populations of 70,000 or less, **41 of these counties currently have jailers that do not operate full service jails**.

SB 39 GA establishes additional criteria for setting the salaries of jailers in counties of 70,000 or less.

Proposed salaries shall be based on duties and any cost of living adjustments.

These jailers will be subject to the following conditions which are required to be formalized in a resolution passed by the fiscal court by May 1 of each year.

The jailer shall submit to fiscal court on a quarterly basis a summary of all official duties performed by the jailer and the jailer's deputies. This will include details related to prisoner transport including the prisoner's name, the location and time the prisoner was

placed in the custody of the jailer or deputy for transport, and the location and time the jailer or deputy relinquishes custody of the prisoner after transport, and the mileage driven.

SB 39 GA declares an emergency

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

The fiscal impact of SB 39 GA on counties is likely to be a minimal savings for those counties where the jailer has minimal duties. The salary adjustments, compensatory cost, and any subsequent savings as determined by the fiscal court are discretionary.

Minimal cost will be associated with the jailer keeping records of the duties performed and filing the quarterly reports to the fiscal court.

There are currently 41 counties that maintain the office of jailer, but do not have a jail. These counties either have chosen to close their jails because of rising cost, or have been forced to close because of failure to meet minimum state standards.

Without jails, most of these jailers have sparse or minimal duties, if any. A small number of these jailers may transport prisoners or accompany them to court.

Based on 2015 data, the state's no-jail jailers are paid nearly \$1.5 million. Salaries range from \$20,000 to \$77,243 and average \$36,160. Whereas SB 39 GA does not provide for the reduction of these salaries, a savings based on the current salaries will not be realized. However, SB 39 GA does provide the fiscal courts with discretion regarding cost-of-living adjustments.

This proposal does not address deputy salaries in the affected counties.

Below is a list of no-jail counties:								
Anderson	Edmonson	Harrison	Lyon	Metcalf	Robertson			
Bath	Elliot	Henry	Magoffin	Morgan	Spencer			
Bourbon	Fleming	Johnson	Martin	Nicholas	Trigg			
Bracken	Gallatin	Knott	McCreary	Owen	Trimble			
Breathitt	Garrard	Lawrence	McLean	Owsley	Washington			
Carlisle	Green	Lee	Menifee	Pendleton	Wolfe			
Cumberland	Hancock	Livingston	Mercer	Perry				

Data Source(s):LRC Staff; Department of Corrections; Kentucky Center for Investigative
Reporting (Only in Kentucky: Jailers Without Jails, January 2, 2015)

Preparer:Wendell F. ButlerReviewer:KHCDate:3/3/17	Preparer:	Wendell F. Butler	Reviewer:	KHC	Date:	3/3/17	
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