

**Local Government Mandate Statement  
Kentucky Legislative Research Commission  
2018 Regular Session**

**Part I: Measure Information**

**Bill Request #:** 421

**Bill #:** HB 110 HCS

**Document ID #:** 4490

**Bill Subject/Title:** AN ACT relating to the exploitation of adults.

**Sponsor:** Rep. Jim DuPlessis

Unit of Government:  City  County  Urban-County  
Unified Local  
 Charter County  Consolidated Local  Government

Office(s) Impacted: Courts, local law enforcement and jails.

Requirement:  Mandatory  Optional

Effect on  
Powers & Duties:  Modifies Existing  Adds New  Eliminates Existing

**Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local  
Government**

HB 110 HCS amends KRS 514.010 to define caregiver, dosage unit, and vulnerable adult. The Act amends KRS 514.030 to specify that theft of a controlled substance by a caregiver from a vulnerable adult or an elderly or infirm member of the adult's household is a Class D felony for a first offense of fewer than five dosage units, a Class C felony for a subsequent offense, or a Class C felony for theft of five or more dosage units.

**The fiscal impact of HB 110 is indeterminate and minimal.** The bill effectively creates new crimes which may have a minimal impact on local law enforcement and jails. The costs associated with Class D and C felony incarcerations and the substance abuse program are described below.

**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 four 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. 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 four 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 1,300 convicted felons and 186 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.

**Part III: Differences to Local Government Mandate Statement from Prior Versions**

**HB 110 HCS replaces all sections of the original HB 110** and amends KRS 514.010 to define caregiver, dosage unit, and vulnerable adult, and amends KRS 514.030 to specify that theft of a controlled substance by a caregiver from a vulnerable adult or an elderly or infirm member of the adult's household is a Class D felony for a first offense of fewer than five dosage units, a Class C felony for a subsequent offense, or a Class C felony for theft of five or more dosage units. **These changes make no appreciable difference to the fiscal impact or the time and effort costs for local jails and law enforcement.**

**Data Source(s):** Kentucky Jailers Association, Kentucky Association of Chiefs of Police, Kentucky Sheriffs Association; Kentucky Department of Corrections

**Preparer:** H. Marks **Reviewer:** KHC **Date:** 2/15/18