



various fraud and theft crimes from \$500 to \$1500. It amends KRS 304.47-020 to raise the threshold level for a fraudulent insurance act from \$500 to \$1500.

Finally, HB 126 amends KRS 365.241 to raise (from \$1,000 to \$1,500) the threshold level for a Class D felony for counterfeit intellectual property. All of the above amendments achieve the same goal. Each amendment raises the monetary trigger for elevating a crime from a Class A misdemeanor to a Class D felony.

**The fiscal impact of HB 126 is negative and indeterminable, and could range from minimal to significant.** Outcomes will vary county by county, depending on the demographics of the county, the attitude of prosecutors and judges, and perhaps other factors, such as ability to afford bail, restitution, etc.

There will be an increase in the number of misdemeanor convictions due to increases in the dollar amounts that trigger misdemeanor criminal offenses, charges and subsequent incarcerations. Correspondingly, there will be a decrease in Felony D convictions. Although jail costs for Class D felons are reimbursed to local jails by the State, misdemeanor incarceration costs are borne by local jails. Misdemeanor and felony incarceration costs are as follows:

**Class A misdemeanors:**

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 76 full service jails or four 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 expenses that the 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 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.

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

The Part II section above pertains to the bill as introduced and there are not any prior introduced versions of the bill to complete the Part III section.

**Data Source(s):** Kentucky Department of Corrections; Kentucky Jailors Association; Kentucky Sheriffs Association; Kentucky Association of Chiefs of Police; Kentucky Commonwealth's Attorneys Association; Kentucky County Attorneys Association; Kentucky Department of Corrections

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