

The number of individuals charged with either contraband 1st or 2nd as a result of working within a detention facility is likely to be low. Additionally, local jails would be reimbursed for any jail time resulting from contraband 1st charges.

Promoting contraband in the second degree is a Class A misdemeanor and in the first degree is a Class D felony.

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.

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.

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

The LM statement to HB 207 GA retains the changes of HB 207 HCS and incorporates HFA 1 by removing the conditions on possession of cell phones from definition of "dangerous contraband". HFA 1 also makes technical changes clarifying the intent of the bill.

The LM statement to HB 207 HCS is the same as the LM statement for the bill as originally filed with the added language of the HCS requiring the jailer to create and post policies regarding cell phone usage by the jailer, deputy jailers, attorneys, and those acting on their behalf.

Data Source(s): Kentucky Department of Corrections

Preparer: Wendell Butler **Reviewer:** _____ **Date:** _____