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

## **Part I: Measure Information**

<b>Bill Request #:</b> 390 R3			
Bill #: HB 457 GA			
<b>Document ID #:</b> <u>5357</u>			
Bill Subject/Title: AN ACT relating to probation and parole supervision.			
Sponsor: _ Rep. John C. Blanton			
Unit of Government: x City x County x Urban-County   Unified Local x Charter County x Consolidated Local x Covernment			
x Charter County x Consolidated Local x Government   Office(s) Impacted: Local lawenforcement, jails, courts Local lawenforcement, jails, courts Local lawenforcement, jails, courts			
Requirement: <u>x</u> Mandatory Optional			
Effect on Powers & Duties: <u>x</u> Modifies Existing <u>x</u> Adds New Eliminates Existing			

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

HB 457 amends the definition of "supervised individual" in KRS 439.250. The Act amends KRS 439.3106 to create a new form of sanction to be applied by the Parole Board at final revocation hearings, and provides that under a supervision continuation sanction a sanctioned individual will be returned to a jail, prison, halfway house, or inpatient treatment facility without revoking parole for up to nine months. The Act provides for reinstatement of the sanctioned individual to prior parole supervision conditions upon completion of the sanction, or return of the individual to the parole board for revocation if the sanction is not successfully completed. HB 457 amends KRS 439.3108 to allow probation and parole violators to have work release while in custody on discretionary detention.

**The impact on law enforcement and jails is indeterminate and minimal**. Some parolees facing revocation could instead be placed in local jails for up to 9 months under the new sanction created in HB 457. Additionally, probation and parole violators in jail detention may be allowed work releases. These provisions may result in longer Class C

and D felony incarcerations, and some time and effort costs related to management of work releases. The costs and reimbursements associated with felony incarcerations are described below.

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 GA version to this bill does not have any changes from the bill as introduced. There were no committee substitutes or floor amendments adopted.

<b>Data Source(s):</b> <u>Kentucky Sheriffs Association; Kentucky Association of Chiefs of Police;</u>			
Kentucky Jailers Association; Kentucky Department of Corrections			
Preparer: H. Ma	arks <b>Reviewer:</b> KHC <b>Date:</b>	3/19/18	