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

## **Part I: Measure Information**

Bill Request #: 1768									
Bill #: HB 466									
<b>Document ID #:</b> <u>5432</u>									
Bill Subject/Title: AN ACT relating to incarceration costs.									
Sponsor: Rep. Scott S. Wells									
Unit of Government:       City       X       County       X       Urban-County         Unified Local       Unified Local									
X Charter County X Consolidated Local X Government									
Office(s) Impacted: County Government / Fiscal Court									
Requirement: X Mandatory Optional									
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing									

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

Currently, the cost of incarceration of prisoners arrested or sentenced or held by order of the courts is the responsibility of the county in which the arrest was made. HB 466 changes this so that the cost becomes the responsibility of the county where the originating charge, order, or warrant was issued regardless of the arresting county's location.

The following example may better explain the concern: A vehicle is stopped within county A. The driver's name is run through the police computer, and an outstanding warrant from county B is found. The driver is arrested and lodged in County A's jail where he is held until County B can pick him up. The arrestee may spend several days in County A's facility at the expense of County A, even though the arrest was the result of a warrant issued by County B. County B refuses to pay or reimburse the arresting County claiming it is their responsibility.

The fiscal impact of HB 466 on local governments is indeterminable. The number of future warrants issued, the county from where the warrants will be issued, and the arresting county are unknowns. There is no centralized database where historical data can be retrieved. However, we do know that the estimated cost of housing a prisoner is \$31.34 a day, based on the amount the Department of Corrections reimburses local jails for housing state arrestees. The per diem may be less than, equal to, or greater than the actual housing cost.

In discussions with one jailer, the typical stay for an inmate being held for another county is 3 to 5 days before being picked up by the other county. A current concern is that the pickup/transport process is purposefully slowed, to shift costs from the originating county to the arresting county.

A concern with HB 466, is in regards to the possibility of multiple arrest warrants from different counties and who has priority? Is it the earliest warrant or the most severe charge? This was never decided and would pose a problem of jurisdiction.

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

Part II pertains to the bill as introduced. No prior versions of the bill have been introduced necessitating Part III to be completed at this time.

Data Source(s):		LRC Staff,	Kentucky	Jailers	Ass	ociation,	Franklin	Coun	ty Regio	<u>nal Jail</u>
Preparer:	Wende	ell F. Butler	R	eviewei	r:	KHC			Date:	3/8/18