



SB 133 GA defines “eligible person” and provides for the conditions and requirements for an eligible pregnant woman to be released from custody.

SB 133 GA amends KRS 441.127 to expand credits available to misdemeanants.

**The fiscal impact of SB 133 GA is indeterminate and will range from minimal to moderate.**

Individual county jail costs, and outcomes relating to bail, pregnancy release from custody, home incarceration, etc. will vary county by county, depending on county demographics, the attitude of prosecutors and judges, and other factors.

The new regulations and requirements regarding female and pregnant female inmates may result in minimal to moderate cost increases in order to achieve compliance with, and provide related training related to, new standards for female inmate housing and jail certification.

Below is a description of jail costs relating to felony and misdemeanor incarcerations:

**Class B and Class A misdemeanors:**

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. 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**

#### **SB 133 GA retains provisions of SB 133 SCS but with substantial changes made by Floor Amendments 2, 3, and 4.**

Floor amendment 2 to SB 133 SCS deletes language allowing for the pretrial administrative release of defendants charged with certain violations and misdemeanors.

Floor amendment 3 to SB 133 SCS deletes language which raised the threshold level for a Class D felony for various fraud and theft crimes from \$500 to \$1,000 if the person had not been convicted twice of the same offense in the last two years.

Floor amendment 4 to SB 133 SCS deletes Section 8(1)(b) to Section 8(2) and adds in lieu thereof a requirement to maintain a current address with the court as a pregnancy release condition. The new language clarifies that an eligible pregnant woman who is housed in a jail that provides treatment for substance use disorders or in a jail that transports prisoners for treatment shall not be released from custody.

**SB 133 GA with floor amendments 2, 3, and 4 to the SCS makes substantial changes to the bill and to the fiscal impact of SB 133 SCS. The bill no longer makes any statutory changes to the threshold amounts of thefts determining misdemeanor or felony violations, therefore, in this regard, there is no change to fiscal impact relating to local jail felony and misdemeanor incarcerations.**

**The SCS to SB 133 makes no changes that would meaningfully alter the fiscal impact of SB 133.**

The Senate Committee Substitute retains most of the provisions of SB 133 and **clarifies** that pregnant inmates shall not be restrained during labor or transport to a medical facility or birthing center, or postpartum recovery unless extraordinary circumstances exist. The SCS **clarifies** that orders of protection and interpersonal protective orders may be filed at a domestic violence shelter or a rape crisis shelter if the shelter elects to participate in the filing. The SCS **clarifies** that an eligible pregnant woman must complete inpatient residential treatment.

The SCS **deletes** the requirement to report allegations of sexual assaults by a jailer or any employee, contractor, vendor, or volunteer of a supervising entity to the Attorney

General's Office for investigation, and **deletes** the pretrial detention and no monetary bail provisions.

The SCS **allows** for the pretrial administrative release of defendants charged with certain violations and misdemeanors, and amends KRS 441.127 to **expand** credits available to misdemeanants.

**Data Source(s):** Kentucky Jailers Association; Kentucky Association of Counties;  
Kentucky Department of Corrections

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