



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.

The proposed Class D penalty would increase the amount of reimbursement relative to pre-disposition incarceration if bail is denied and upon disposition, the length of the sentence which for a Class D felony is not less than one year, nor more than five years.

There are some situations that may not be malicious or with criminal intent that may fall within this statute. Three scenarios that reflect these concerns follow:

Scenario #1: The sale of body parts by a funeral home contracted to cremate a body. The funeral home may have sold a body part to a research lab. However, the lighter ashes upon return to the family go unnoticed.

Scenario # 2: Some medical schools have an abundance of bodies donated to them for medical research. As a result, some of these bodies may be donated by the school to other entities including the military. One example of how the military may use corpses is in the testing of protective body armor. One such test involves boots and how well they protect a foot if they come in contact with a landmine. Theoretically, the corpse is still sacrificed in the name of science, but the donor and the family may have only foreseen medical research as the sole beneficiary.

Scenario #3: Under HB 143, when a funeral home does not adhere to specific wishes of a family that are rooted in tradition or religious belief, that funeral home would now be subject to felony criminal prosecution.

It should also be noted that this legislation is not industry-specific. Therefore, it pertains not only to funeral homes and schools, but extends to any and all individuals or entities that may have the capacity to abuse a corpse as defined herein.

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

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

**Data Source(s):** LRC Staff, Administrative Office of the Court, Department of Corrections

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