

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2019 Regular Session**

Part I: Measure Information

Bill Request #: 1243

Bill #: HB 189 GA

Document ID #: 4763

Bill Subject/Title: An ACT relating to parole violators.

Sponsor: Representative John C. Blanton

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
 Government

Office(s) Impacted: Local law enforcement, jails, courts

Requirement: Mandatory Optional

Effect on

Powers & Duties: Modifies Existing Adds New Eliminates Existing

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

HB 189 GA 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.

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 189 GA. These provisions may result in increased felony and misdemeanor incarcerations. The costs and reimbursements associated with Class D and C 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

HB 189 GA passed with Floor Amendment 1 clarifying that a sanctioned individual who has completed his or her sentence is not returned to supervision. **HB 189 GA makes no change to the fiscal impact statement for HB 189 as introduced.**

Data Source(s): Kentucky Sheriffs Association; Kentucky Association of Chiefs of Police; Kentucky Jailers Association; Kentucky Department of Corrections

Preparer: H. Marks **Reviewer:** KHC **Date:** 2/25/19