Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

| Bill Request #: 1183 | | | | | | | |
|--|----|--|--|--|--|--|--|
| Bill #: HB 232 | | | | | | | |
| Document ID #: 2457 | | | | | | | |
| Bill Subject/Title: AN ACT relating to community supervision. | | | | | | | |
| Sponsor: Representative Charles Booker | | | | | | | |
| Unit of Government: City x County x Urban-Coun Unified Local | al | | | | | | |
| <u>x</u> Charter County <u>x</u> Consolidated Local <u>x</u> Government | | | | | | | |
| Office(s) Impacted: local jails | | | | | | | |
| 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

The fiscal impact on local jails is indeterminate and will be minimal to moderate. HB 232 defines "technical violation" and "absconding" with regard to postincarceration supervision and parole. The Act requires that by 2020 the Department of Corrections must include **graduated sanctions** for technical and absconding violations committed by supervised individuals on parole or postincarceration supervision. These graduated sanctions will be in lieu of revocation which would potentially decrease the amount of misdemeanor (local) and felony (state) inmates housed in county jails.

If a preliminary revocation hearing for a technical violation of parole or postincarceration supervision does not occur within 15 days of detention, the individual is to be released from detention. Similarly, if a final revocation hearing is not conducted within 30 days for a technical violation, a parolee or offender on postincarceration supervision is to be released from detention. Thus, these provision may result in a **decrease in the amount of both misdemeanor and felony inmates housed in county jails.**

The costs associated with misdemeanor and felony incarcerations in local jails is described below.

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.

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

Part II, above, pertains to the bill as drafted. There is no prior version of the bill to complete Part III.

| Data Sourc | :e(s): <u>Der</u> | partment of Corrections; Ker | ntucky Jailers | Association | |
|------------|--------------------------|------------------------------|----------------|-------------|--------|
| Preparer: | H. Marks | Reviewer: | KHC | Date: | 2/7/19 |