Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 1797
Bill #: _ HB 299 GA
Document ID #: 4848
Bill Subject/Title: AN ACT relating to sentencing credits.
Sponsor: Representative Petrie
Unit of Government: X City X County Y Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: Local jails that house state prisoners and operates an approved educational or life skills program.
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

HB 299 GA provides that any person incarcerated in a state penal institution (or local jail) shall have his or her sentenced reduced by 90 days for each diploma, degree, or technical education program completed. Qualifying programs have been expanded to include vocational programs and correspondence postsecondary education programs. Additionally, the completion of life skills program is also eligible for sentence credits.

HB 299 GA defines a "life skills program" as a program that provides offenders assistance with reintegrating into the community by addressing time management, money management, use of technology, communications, and social skills.

HB 299 GA further defines "promising practices" as programs that have been proved, based on limited research, to have positive outcomes, but do not have enough evidence to meet the standard of an evidence-based program.

The fiscal impact of HB 299 GA on local governments is expected to be minimal and negative.

HB 299 GA would only affect local jails that house state prisoners and who operate an approved educational or life skills program. These jails would lose part of their per diem reimbursement since prisoners completing these programs would be released 90 days earlier per diploma, degree, or technical education program completed.

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

The LM statement to HB 299 GA is the same as the LM statement to HB 299 as introduced. No substitutes or amendments were adopted when the bill passed the House.

Data Source(s): LRC Staff; Kentucky Department of Corrections

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 2/25/19