

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

**Part I: Measure Information**

**Bill Request #:** 1263

**Bill #:** HB 467

**Document ID #:** 4429

**Bill Subject/Title:** An ACT relating to pretrial release.

**Sponsor:** Representative Charles Booker

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

Office(s) Impacted: local jails

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 467 amends KRS 431.066 to **limit the use of monetary bail** to certain high-risk defendants and **provides pretrial release conditions** for defendants based on risk levels and charge types. The Act creates a new section of KRS Chapter 431 to establish a preventative detention hearing process for high-risk defendants and **defines the limited circumstances in which unsecured bail can be imposed**. HB 467 creates a new section of KRS Chapter 431 requiring statistical reporting on bail decisions.

**The impact on law enforcement and jails is indeterminate and minimal.** The provisions of HB 467 will result in reduced incarcerations in local jails. The costs associated with misdemeanor and felony incarcerations and the concomitant effect on jail income and costs are described below.

**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**

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

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

**Preparer:** H. Marks **Reviewer:** KHC **Date:** 2/22/19