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

**Part I: Measure Information** 

Bill Request #: 893
Bill #: HB 470 GA
<b>Document ID #:</b> <u>5791</u>
Bill Subject/Title: AN ACT relating to controlled substances.
Sponsor: Representative Chad McCoy
Unit of Government: x City x County x Urban-County x Charter County x Consolidated Local x Government
Office(s) Impacted: Local law enforcement and 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 of HB 470 GA is indeterminate and minimal. HB 470 GA amends KRS 217.186 to allow a pharmacist to dispense naloxone to a person or agency who provides training on the use of naloxone as a part of a harm reduction program. It amends KRS 218A.1412 to make a technical correction to clarify that heroin trafficking is not eligible for a Class D felony and amends KRS 507.040 to add the unlawful distribution for remuneration of a Schedule I or II drug where the drug is the proximate cause of death to the elements of manslaughter in the second degree.

As HB 470 GA creates a new Class C felony crime, there may be some increase in Class C felony arrests and incarcerations. The costs associated with Class C felony incarcerations are described below.

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 470 GA is the same as the LM statement to HB 470 as introduced. No substitutes or amendments were adopted when the bill passed the House.

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

Preparer: H. Marks Reviewer: KHC Date: 3/6/19