Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 914								
Bill #: SB 62								
Document ID #: <u>1271</u>								
Bill Subject/Title: AN ACT relating to corrections.								
Sponsor: Senator Jimmy Higdon								
Unit of Government: City x County Voltation X Vrban-County Unified Local								
x Charter County x Consolidated Local x Government								
Office(s) Impacted: Local jails								
Requirement: <u>x</u> Mandatory Optional								
Effect on Powers & Duties: <u>x</u> Modifies Existing <u>x</u> Adds New Eliminates Existing								

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

SB 62 amends KRS 196.731 (pilot projects) to specify that calculations and reports are to be made quarterly rather than annually, and amends KRS 196.732 (Community Corrections Funds) to require that deposits be made quarterly rather than annually. The Act amends KRS 532.100 (Place of Imprisonment) to provide that jails accredited by the American Correctional Association will have priority in accepting the transfer of state inmates who qualify to serve time in county jails.

The fiscal impact of SB 62 is indeterminate and minimal. Additional time and effort may be required to meet new quarterly, rather than annual, requirements. Also, some potential costs (lost income) may result in those jails not given priority for receipt of state prisoners subject to jail detention. Below are the costs/reimbursements associated with felony incarcerations.

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 Source(s):		Kentucky Jailer	s Association;	Kentucky	y Department of	of Correction	ons
Preparer:	H. Mar	ks	Reviewer	KHC		Date:	1/9/19