

associated incarceration cost, including medical cost, will be the responsibility of the originating jail.

The sheriff of the county where the originating jail is located shall be responsible for the transporting the prisoner.

Whereas the condition of the prisoner can change, the ordering Circuit Judge shall review all removal orders every ninety days, including any input from the originating and receiving jailers.

The fiscal impact of HB 120 on local governments is indeterminable. The number of future transfers is unknown and there is no central historical database.

As stated above, HB 120 limits the amount that the receiving jail can charge the originating jail to three times the amount the Department of Corrections reimburses local jails for housing state arrestees. This amount currently works out to \$94.02 or \$121.02 if the prisoner is participating in a substance abuse program

The Kentucky Sheriffs' Association has expressed concern that the proposal does not address either paying the sheriff for transporting the prisoner upfront or for reimbursing the sheriff post-transfer.

Currently, both the originating jail and the receiving jail are open to liability regarding emergency transfers. HB 120 stipulates that the Administrative Office of the Courts shall assume all liability for an inmate subject to an order of removal.

Emergency transfers can also put a personnel strain on the receiving jail if the transfer requires more than one deputy, is beyond the immediate area, or if the prisoner is a danger to themselves or others. HB 120 should remedy these concerns. It should also be noted that sometimes these transfers originate from public defenders who simply wish to have their client closer to them.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to the bill as introduced.

Data Source(s): LRC Staff, Kentucky Sheriffs' Association, Kentucky Jailers' Association

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 1/13/20