

**Local Government Mandate Statement  
 Kentucky Legislative Research Commission  
 2020 Regular Session**

**Part I: Measure Information**

Bill Request #: 809

Bill #: HB 284 GA

Document ID #: 4426

Bill Subject/Title: AN ACT relating to probation program credits.

Sponsor: Representative Derek Lewis

Unit of Government:	<input type="checkbox"/> City	<input checked="" type="checkbox"/> County	<input checked="" type="checkbox"/> Urban-County Unified Local
	<input checked="" type="checkbox"/> Charter County	<input checked="" type="checkbox"/> Consolidated Local	<input checked="" type="checkbox"/> 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**

**The fiscal impact of HB 284 GA is nil to minimal.** The Act creates a new section of KRS 439.250 to 439.560 to establish probation program credits (e.g., for education, drug treatment program participation, work-for-time). **While these offenders are presently not incarcerated, HB 284 GA will potentially enhance the possibility of such individuals remaining out of jail as a result of less time available for an individual on probation to violate the terms of probation.** Costs associated with incarceration 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 77 full service jails or three 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 77 full service jails or three 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 77 full service jails or three 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**

**HB 284 GA makes no changes to the fiscal impact of HB 284 or HB 284 HCS.** The house committee substitute amended HB 284 to **clarify** responsibilities of the Department regarding notification of program credits and **clarifies** that credits do not accrue until after the effective date of the Act. HB 284 GA was passed with no amendments to HB 284 HCS.

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

**Preparer:** H. Marks **Reviewer:** KHC **Date:** 2/12/20