

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 SCS makes no change to the fiscal impact of HB 284 HCS. HB 284 SCS retained provisions of HB 284 HCS and additionally specified that probation program credits for work-for-time only apply to public employment and that the credits shall reduce the period of supervision ordered by the sentencing court.

The Senate Committee Substitute amends KRS 439.3108 to allow those incarcerated as a graduated sanction to be placed on work release for work at their place of employment and amends KRS 439.341 to change a preliminary revocation hearing to a probable cause revocation hearing. HB 284 SCS amends KRS 439.352 to apply the statute to supervised

individuals on parole or other post-release supervision and amends KRS 439.440 to allow any prisoners returned to state custody to be heard by the parole board within 60 days.

HB 284 HCS **clarified** responsibilities of the Department regarding notification of program credits and **clarified** that credits do not accrue until after the effective date of the Act.

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

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