Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 1193	_		
Bill #: HB 410	_		
Document ID #: 4360	_		
Bill Subject/Title: AN ACT relating to crimes and punishments.			
Sponsor: Representative Deanna Frazier			
Unit of Government: C		_	Unified Local
<u>x</u> (Charter County <u>x</u>	_ Consolidated Local	x Government
Office(s) Impacted: Local law enforcement; county budgets			
Requirement:x_ Manda	ntory Optiona	1	
Effect on Powers & Duties: <u>x</u> Mod	lifies Existing <u>x</u>	Adds New Eli	iminates Existing

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

The fiscal impact of HB 410 is indeterminate and minimal to moderate. HB 410 amends KRS 431.066, relating to pretrial release and bail options, defining "administratively released," "danger to others," and "financial condition of release", and requiring pretrial services to provide a defendant's juvenile court history when the defendant is 23 or under. The bill requires pretrial services, if requested by the court, to provide the defendant's juvenile court history when the defendant is over 23 and specifies that a court may impose a financial condition of release if the court finds by a preponderance of the evidence that the defendant constitutes a risk of failing to appear or danger to others.

HB 410 provides that a defendant is not eligible for bail credits if the court finds by clear and convincing evidence that the defendant constitutes a risk of failing to appear or danger to others. It amends KRS 431.520, relating to conditions of release to conform and to outline the hearing process for when a person continues to be detained as a result of his or her inability to meet a financial condition of release **It amends KRS 67.372 and 431.517**

to require counties to pay global positioning monitoring system fees for those on pretrial release who are at or below 200% of the federal poverty guidelines.

Nationally, the set-up fee for ankle monitors is between \$175 and \$200 and the daily fee ranges from \$5 to \$40. If adhered to by the Courts, there will be fewer defendants in jail awaiting trial and this can substantially reduce fiscal court jail costs. Although the bill requires counties to pay the electronic monitoring fee of those on pretrial release if the defendant is at or below 200% of the federal poverty guideline, this can save counties money since these contracts are generally less than the cost to house inmates.

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

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

Data Source(s): Kentucky Jailers Association; Kentucky Sheriffs Association; Kentucky

<u>Association of Chiefs of Police; Kentucky Magistrates Association;</u> Kentucky County Clerks Association; Equal Justice Under the Law;

Kentucky Association of Counties

Preparer: H. Marks Reviewer: KHC Date: 2/14/20