Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 2105
Bill #: HB 524
Document ID #: _ 5742
Bill Subject/Title: AN ACT relating to crimes and punishments.
Sponsor: Representative Terri Branham Clark
Unit of Government: City x County x Urban-County Unified Local
x Charter County x Consolidated Local x Government
Office(s) Impacted: Local jails
Requirement: x Mandatory Optional
Effect on Powers & Duties:x Modifies Existing Adds New Eliminates Existing

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

HB 524 amends KRS 439.315 to require fees to be waived for individuals placed on administrative supervision and requires fees to be suspended for the first six months of a person's term of community supervision following release from custody, unless the releasing authority determines the individual has an ability to pay. It clarifies that nonpayment of fees must be willful in order to be grounds for revocation.

The fiscal impact of HB 524 is indeterminate and minimal. The Act's provisions will have the effect of reducing parole or administrative supervision revocations of misdemeanor and felony offenders (i.e., returning them to local jail incarceration). This will reduce costs for misdemeanor incarcerations. These cost reductions will be minimally offset by minimal cost increases for those jails which receive (daily rate) state reimbursement for felony incarcerations in excess of their actual costs. The costs of local jail incarcerations for felony and misdemeanor 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

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

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

California Parole Officers Brief V. 1 Issue 4

Preparer: H. Marks Reviewer: KHC Date: 2/28/20