

HB 525 limits the term of imprisonment that can be imposed for a technical violation to up to 30 days for the first revocation, up to 90 days for the second revocation, up to 180 days for the third revocation, and up to 2 years for the fourth and subsequent revocation. It amends KRS 439.553 to require graduated sanctions to be used in response to technical violations and amends KRS 532.260 to allow graduated sanctions to be used in response to technical violations committed while on home incarceration.

HB 525 amends KRS 533.050 to require a final revocation hearing to be held within 30 business days of the preliminary hearing and prohibits detaining individuals pending a final revocation hearing from being held beyond the maximum time that can be revoked for a technical violation. The Act limits the term of imprisonment that can be imposed for a technical violation to up to 30 days for the first revocation, up to 90 days for the second revocation, up to 180 days for the third revocation, and up to two years for the fourth and any subsequent revocation.

The fiscal impact of HB 525 is indeterminate and minimal. Regarding technical violations of parole, probation, or other forms of supervised release, **the limitations on incarcerations, limitations on the length of incarcerations, and the use of graduated sanctions should all combine to effectively reduce costs to local jails for misdemeanor incarcerations related to revocation or recidivism.** 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 local jail costs associated with felony and misdemeanor incarcerations 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 Jailers Association; California Parole Officers Brief V. 1 Issue 4

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